

## Appendix I    Federal Endangered and Threatened Species<sup>1</sup> and Biological Opinion

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<sup>1</sup> The project is located more than 100 miles from the Pacific Ocean in a highly urbanized and developed area; therefore, a National Marine Fisheries Service species list is not included.



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
 Sacramento Fish and Wildlife Office  
 FEDERAL BUILDING, 2800 COTTAGE WAY, ROOM W-2605  
 SACRAMENTO, CA 95825  
 PHONE: (916)414-6600 FAX: (916)414-6713



Consultation Code: 08ESMF00-2015-SLI-0797

September 29, 2015

Event Code: 08ESMF00-2015-E-03757

Project Name: Centennial Corridor

Subject: Up dated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

[http://www.nwr.noaa.gov/protected\\_species/species\\_list/species\\_lists.html](http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html)

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2)

of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

The table below outlines lead FWS field offices by county and land ownership/project type. Please refer to this table when you are ready to coordinate (including requests for section 7 consultation) with the field office corresponding to your project, and send any documentation regarding your project to that corresponding office. Therefore, the lead FWS field office may not be the office listed above in the letterhead. Please visit our office's website (<http://www.fws.gov/sacramento>) to view a map of office jurisdictions.



Lead FWS offices by County and Ownership/Program			
County	Ownership/Program	Species	Office Lead*
Alameda	Tidal wetlands/marsh adjacent to Bays	Salt marsh species, delta smelt	BDFWO
Alameda	All ownerships but tidal/estuarine	All	SFWO
Alpine	Humboldt Toiyabe National Forest	All	RFWO
Alpine	Lake Tahoe Basin Management Unit	All	RFWO
Alpine	Stanislaus National Forest	All	SFWO
Alpine	El Dorado National Forest	All	SFWO
Colusa	Mendocino National Forest	All	AFWO
Colusa	Other	All	By jurisdiction (see map)
Contra Costa	Legal Delta (Excluding ECCHCP)	All	BDFWO
Contra Costa	Antioch Dunes NWR	All	BDFWO
Contra Costa	Tidal wetlands/marsh adjacent to Bays	Salt marsh species, delta smelt	BDFWO
Contra Costa	All ownerships but tidal/estuarine	All	SFWO

El Dorado	El Dorado National Forest	All	SFWO
El Dorado	Lake Tahoe Basin Management Unit		RFWO
Glenn	Mendocino National Forest	All	AFWO
Glenn	Other	All	By jurisdiction (see map)
Lake	Mendocino National Forest	All	AFWO
Lake	Other	All	By jurisdiction (see map)
Lassen	Modoc National Forest	All	KFWO
Lassen	Lassen National Forest	All	SFWO
Lassen	Toiyabe National Forest	All	RFWO
Lassen	BLM Surprise and Eagle Lake Resource Areas	All	RFWO
Lassen	BLM Alturas Resource Area	All	KFWO
Lassen	Lassen Volcanic National Park	All (includes Eagle Lake trout on all ownerships)	SFWO
Lassen	All other ownerships	All	By jurisdiction (see map)

<b>Marin</b>	Tidal wetlands/marsh adjacent to Bays	Salt marsh species, delta smelt	BDFWO
<b>Marin</b>	All ownerships but tidal/estuarine	All	SFWO
<b>Mendocino</b>	Russian River watershed	All	SFWO
<b>Mendocino</b>	All except Russian River watershed	All	AFWO
<b>Napa</b>	All ownerships but tidal/estuarine	All	SFWO
<b>Napa</b>	Tidal wetlands/marsh adjacent to San Pablo Bay	Salt marsh species, delta smelt	BDFWO
<b>Nevada</b>	Humboldt Toiyabe National Forest	All	RFWO
<b>Nevada</b>	All other ownerships	All	By jurisdiction (See map)
<b>Placer</b>	Lake Tahoe Basin Management Unit	All	RFWO
<b>Placer</b>	All other ownerships	All	SFWO
<b>Sacramento</b>	Legal Delta	Delta Smelt	BDFWO
<b>Sacramento</b>	Other	All	By jurisdiction (see map)
<b>San Francisco</b>	Tidal wetlands/marsh adjacent to San Francisco Bay	Salt marsh species, delta smelt	BDFWO

<b>San Francisco</b>	All ownerships but tidal/estuarine	All	SFWO
<b>San Mateo</b>	Tidal wetlands/marsh adjacent to San Francisco Bay	Salt marsh species, delta smelt	BDFWO
<b>San Mateo</b>	All ownerships but tidal/estuarine	All	SFWO
<b>San Joaquin</b>	Legal Delta excluding San Joaquin HCP	All	BDFWO
<b>San Joaquin</b>	Other	All	SFWO
<b>Santa Clara</b>	Tidal wetlands/marsh adjacent to San Francisco Bay	Salt marsh species, delta smelt	BDFWO
<b>Santa Clara</b>	All ownerships but tidal/estuarine	All	SFWO
<b>Shasta</b>	Shasta Trinity National Forest except Hat Creek Ranger District (administered by Lassen National Forest)	All	YFWO
<b>Shasta</b>	Hat Creek Ranger District	All	SFWO
<b>Shasta</b>	Bureau of Reclamation (Central Valley Project)	All	BDFWO
<b>Shasta</b>	Whiskeytown National Recreation Area	All	YFWO
<b>Shasta</b>	BLM Alturas Resource Area	All	KFWO

Shasta	Caltrans	By jurisdiction	SFWO/AFWO
Shasta	Ahjumawi Lava Springs State Park	Shasta crayfish	SFWO
Shasta	All other ownerships	All	By jurisdiction (see map)
Shasta	Natural Resource Damage Assessment, all lands	All	SFWO/BDFWO
Sierra	Humboldt Toiyabe National Forest	All	RFWO
Sierra	All other ownerships	All	SFWO
Solano	Suisun Marsh	All	BDFWO
Solano	Tidal wetlands/marsh adjacent to San Pablo Bay	Salt marsh species, delta smelt	BDFWO
Solano	All ownerships but tidal/estuarine	All	SFWO
Solano	Other	All	By jurisdiction (see map)
Sonoma	Tidal wetlands/marsh adjacent to San Pablo Bay	Salt marsh species, delta smelt	BDFWO
Sonoma	All ownerships but tidal/estuarine	All	SFWO
Tehama	Mendocino National Forest	All	AFWO
	Shasta Trinity National Forest		

Tehama	except Hat Creek Ranger District (administered by Lassen National Forest)	All	YFWO
Tehama	All other ownerships	All	By jurisdiction (see map)
Yolo	Yolo Bypass	All	BDFWO
Yolo	Other	All	By jurisdiction (see map)
All	FERC-ESA	All	By jurisdiction (see map)
All	FERC-ESA	Shasta crayfish	SFWO
All	FERC-Relicensing (non-ESA)	All	BDFWO
*Office Leads:			
AFWO=Arcata Fish and Wildlife Office			
BDFWO=Bay Delta Fish and Wildlife Office			
KFWO=Klamath Falls Fish and Wildlife Office			
RFWO=Reno Fish and Wildlife Office			
YFWO=Yreka Fish and Wildlife Office			

Attachment





United States Department of Interior  
Fish and Wildlife Service

Project name: Centennial Corridor

Official Species List

Provided by:

Sacramento Fish and Wildlife Office  
FEDERAL BUILDING  
2800 COTTAGE WAY, ROOM W-2605  
SACRAMENTO, CA 95825  
(916) 414-6600

Consultation Code: 08ESMF00-2015-SLI-0797

Event Code: 08ESMF00-2015-E-03757

Project Type: TRANSPORTATION

Project Name: Centennial Corridor

Project Description: The California Department of Transportation (Caltrans) proposes to establish a new alignment for State Route 58, which would provide a continuous route along State Route 58 from Interstate 5 via the Westside Parkway to Cottonwood Road on existing State Route 58, east of State Route 99 (post miles T31.7 to R55.6). Improvements to State Route 99 (post miles 21.2 to 26.2) would also be required to accommodate the connection with State Route 58.

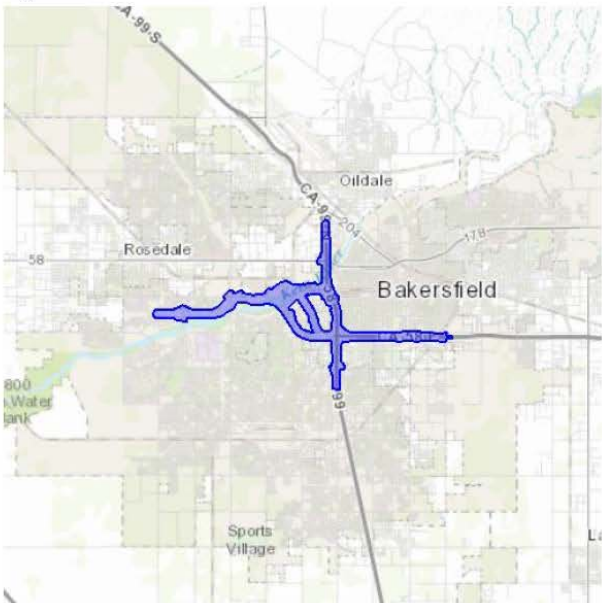
Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior  
Fish and Wildlife Service

Project name: Centennial Corridor

Project Location Map:



Project Coordinates: The coordinates are too numerous to display here.

Project Counties: Kern, CA



United States Department of Interior  
Fish and Wildlife Service

Project name: Centennial Corridor

Endangered Species Act Species List

There are a total of 15 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Amphibians	Status	Has Critical Habitat	Condition(s)
California red-legged frog ( <i>Rana draytonii</i> ) Population: Entire	Threatened	Final designated	
Birds			
Southwestern Willow flycatcher ( <i>Empidonax traillii extimus</i> ) Population: Entire	Endangered	Final designated	
Yellow-Billed Cuckoo ( <i>Coccyzus americanus</i> ) Population: Western U.S. DPS	Threatened	Proposed	
Crustaceans			
Vernal Pool fairy shrimp ( <i>Branchinecta lynchi</i> ) Population: Entire	Threatened	Final designated	
Fishes			
Delta smelt ( <i>Hypomesus transpacificus</i> ) Population: Entire	Threatened	Final designated	

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United States Department of Interior  
Fish and Wildlife Service

Project name: Centennial Corridor

Flowering Plants			
Bakersfield cactus ( <i>Opuntia treleasei</i> )	Endangered		
California jewelflower ( <i>Caulanthus californicus</i> )*	Endangered		
San Joaquin woolly-threads ( <i>Monolopia (=lembertia) congdonii</i> )*	Endangered		
San Mateo thommint ( <i>Acanthomintha obovata ssp. duttonii</i> )	Endangered		
Mammals			
Buena Vista Lake Omate Shrew ( <i>Sorex omatus relictus</i> ) Population: Entire	Endangered	Final designated	
Giant kangaroo rat ( <i>Dipodomys ingens</i> ) Population: Entire	Endangered		
San Joaquin Kit fox ( <i>Vulpes macrotis mutica</i> ) Population: wherever found	Endangered		
Tipton kangaroo rat ( <i>Dipodomys nitratoides nitratoides</i> ) Population: Entire	Endangered		
Reptiles			
Blunt-Nosed Leopard lizard ( <i>Gambelia silus</i> ) Population: Entire	Endangered		
Giant Garter snake ( <i>Thamnophis gigas</i> ) Population: Entire	Threatened		

\*\* Based on the results of the biological surveys, this species was not found onsite; therefore no effect to this species is anticipated. However, to ensure the absence of this species within Stockdale Highway and State Route 43, plant surveys would need to be conducted by a qualified biologist prior to construction.

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United States Department of Interior  
Fish and Wildlife Service

Project name: Centennial Corridor

**Critical habitats that lie within your project area**

There are no critical habitats within your project area.

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**United States Department of the Interior**

FISH AND WILDLIFE SERVICE  
Sacramento Fish and Wildlife Office  
FEDERAL BUILDING, 2800 COTTAGE WAY, ROOM W-2605  
SACRAMENTO, CA 95825  
PHONE: (916)414-6600 FAX: (916)414-6713



Consultation Code: 08ESMF00-2015-SLI-0798  
September 29, 2015  
Event Code: 08ESMF00-2015-E-03758  
Project Name: Centennial Corridor - Stockdale and Enos

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

[http://www.nwr.noaa.gov/protected\\_species/species\\_list/species\\_lists.html](http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html)

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2)



of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

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Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

The table below outlines lead FWS field offices by county and land ownership/project type. Please refer to this table when you are ready to coordinate (including requests for section 7 consultation) with the field office corresponding to your project, and send any documentation regarding your project to that corresponding office. Therefore, the lead FWS field office may not be the office listed above in the letterhead. Please visit our office's website (<http://www.fws.gov/sacramento>) to view a map of office jurisdictions.

Lead FWS offices by County and Ownership/Program

County	Ownership/Program	Species	Office Lead*
Alameda	Tidal wetlands/marsh adjacent to Bays	Salt marsh species, delta smelt	BDFWO
Alameda	All ownerships but tidal/estuarine	All	SFWO
Alpine	Humboldt Toiyabe National Forest	All	RFWO
Alpine	Lake Tahoe Basin Management Unit	All	RFWO
Alpine	Stanislaus National Forest	All	SFWO
Alpine	El Dorado National Forest	All	SFWO
Colusa	Mendocino National Forest	All	AFWO
Colusa	Other	All	By jurisdiction (see map)
Contra Costa	Legal Delta (Excluding ECCHCP)	All	BDFWO
Contra Costa	Antioch Dunes NWR	All	BDFWO
Contra Costa	Tidal wetlands/marsh adjacent to Bays	Salt marsh species, delta smelt	BDFWO
Contra Costa	All ownerships but tidal/estuarine	All	SFWO

El Dorado	El Dorado National Forest	All	SFWO
El Dorado	LakeTahoe Basin Management Unit		RFWO
Glenn	Mendocino National Forest	All	AFWO
Glenn	Other	All	By jurisdiction (see map)
Lake	Mendocino National Forest	All	AFWO
Lake	Other	All	By jurisdiction (see map)
Lassen	Modoc National Forest	All	KFWO
Lassen	Lassen National Forest	All	SFWO
Lassen	Toiyabe National Forest	All	RFWO
Lassen	BLM Surprise and Eagle Lake Resource Areas	All	RFWO
Lassen	BLM Alturas Resource Area	All	KFWO
Lassen	Lassen Volcanic National Park	All (includes Eagle Lake trout on all ownerships)	SFWO
Lassen	All other ownerships	All	By jurisdiction (see map)

Marin	Tidal wetlands/marsh adjacent to Bays	Salt marsh species, delta smelt	BDFWO
Marin	All ownerships but tidal/estuarine	All	SFWO
Mendocino	Russian River watershed	All	SFWO
Mendocino	All except Russian River watershed	All	AFWO
Napa	All ownerships but tidal/estuarine	All	SFWO
Napa	Tidal wetlands/marsh adjacent to San Pablo Bay	Salt marsh species, delta smelt	BDFWO
Nevada	Humboldt Toiyabe National Forest	All	RFWO
Nevada	All other ownerships	All	By jurisdiction (See map)
Placer	Lake Tahoe Basin Management Unit	All	RFWO
Placer	All other ownerships	All	SFWO
Sacramento	Legal Delta	Delta Smelt	BDFWO
Sacramento	Other	All	By jurisdiction (see map)
San Francisco	Tidal wetlands/marsh adjacent to San Francisco Bay	Salt marsh species, delta smelt	BDFWO

San Francisco	All ownerships but tidal/estuarine	All	SFWO
San Mateo	Tidal wetlands/marsh adjacent to San Francisco Bay	Salt marsh species, delta smelt	BDFWO
San Mateo	All ownerships but tidal/estuarine	All	SFWO
San Joaquin	Legal Delta excluding San Joaquin HCP	All	BDFWO
San Joaquin	Other	All	SFWO
Santa Clara	Tidal wetlands/marsh adjacent to San Francisco Bay	Salt marsh species, delta smelt	BDFWO
Santa Clara	All ownerships but tidal/estuarine	All	SFWO
Shasta	Shasta Trinity National Forest except Hat Creek Ranger District (administered by Lassen National Forest)	All	YFWO
Shasta	Hat Creek Ranger District	All	SFWO
Shasta	Bureau of Reclamation (Central Valley Project)	All	BDFWO
Shasta	Whiskeytown National Recreation Area	All	YFWO
Shasta	BLM Alturas Resource Area	All	KFWO

Shasta	Caltrans	By jurisdiction	SFWO/AFWO
Shasta	Ahjumawi Lava Springs State Park	Shasta crayfish	SFWO
Shasta	All other ownerships	All	By jurisdiction (see map)
Shasta	Natural Resource Damage Assessment, all lands	All	SFWO/BDFWO
Sierra	Humboldt Toiyabe National Forest	All	RFWO
Sierra	All other ownerships	All	SFWO
Solano	Suisun Marsh	All	BDFWO
Solano	Tidal wetlands/marsh adjacent to San Pablo Bay	Salt marsh species, delta smelt	BDFWO
Solano	All ownerships but tidal/estuarine	All	SFWO
Solano	Other	All	By jurisdiction (see map)
Sonoma	Tidal wetlands/marsh adjacent to San Pablo Bay	Salt marsh species, delta smelt	BDFWO
Sonoma	All ownerships but tidal/estuarine	All	SFWO
Tehama	Mendocino National Forest	All	AFWO
	Shasta Trinity National Forest		



Tehama	except Hat Creek Ranger District (administered by Lassen National Forest)	All	YFWO
Tehama	All other ownerships	All	By jurisdiction (see map)
Yolo	Yolo Bypass	All	BDFWO
Yolo	Other	All	By jurisdiction (see map)
All	FERC-ESA	All	By jurisdiction (see map)
All	FERC-ESA	Shasta crayfish	SFWO
All	FERC-Relicensing (non-ESA)	All	BDFWO
*Office Leads:			
AFWO=Arcata Fish and Wildlife Office			
BDFWO=Bay Delta Fish and Wildlife Office			
KFWO=Klamath Falls Fish and Wildlife Office			
RFWO=Reno Fish and Wildlife Office			
YFWO=Yreka Fish and Wildlife Office			

Attachment



United States Department of Interior  
Fish and Wildlife Service  
Project name: Centennial Corridor - Stockdale and Enos

Official Species List

Provided by:  
Sacramento Fish and Wildlife Office  
FEDERAL BUILDING  
2800 COTTAGE WAY, ROOM W-2605  
SACRAMENTO, CA 95825  
(916) 414-6600

Consultation Code: 08ESMF00-2015-SLI-0798  
Event Code: 08ESMF00-2015-E-03758

Project Type: TRANSPORTATION

Project Name: Centennial Corridor - Stockdale and Enos  
Project Description: The California Department of Transportation (Caltrans) proposes to establish a new alignment for State Route 58, which would provide a continuous route along State Route 58 from Interstate 5 via the Westside Parkway to Cottonwood Road on existing State Route 58, east of State Route 99 (post miles T31.7 to R55.6). Improvements to the Stockdale Highway/State Route 43 (known locally as Enos Lane) intersection would be made to accommodate additional traffic.

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior  
Fish and Wildlife Service  
Project name: Centennial Corridor - Stockdale and Enos

Project Location Map:



Project Coordinates: The coordinates are too numerous to display here.  
Project Counties: Kern, CA



United States Department of Interior  
Fish and Wildlife Service  
Project name: Centennial Corridor - Stockdale and Enos

Endangered Species Act Species List

There are a total of 13 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Amphibians	Status	Has Critical Habitat	Condition(s)
California red-legged frog ( <i>Rana draytonii</i> ) Population: Entire	Threatened	Final designated	
Birds			
Southwestern Willow flycatcher ( <i>Empidonax traillii extimus</i> ) Population: Entire	Endangered	Final designated	
Crustaceans			
Vernal Pool fairy shrimp ( <i>Branchinecta lynchi</i> ) Population: Entire	Threatened	Final designated	
Fishes			
Delta smelt ( <i>Hypomesus transpacificus</i> ) Population: Entire	Threatened	Final designated	
Flowering Plants			
California jewelflower ( <i>Caulanthus californicus</i> )	Endangered		



United States Department of Interior  
Fish and Wildlife Service

Project name: Centennial Corridor - Stockdale and Enos

San Joaquin woolly-threads <i>(Monolopia (=lembertia) congdonii)</i>	Endangered		
San Mateo thommint <i>(Acanthomintha obovata ssp. duttonii)</i>	Endangered		
Mammals			
Buena Vista Lake Omate Shrew <i>(Sorex ornatus relictus)</i> Population: Entire	Endangered	Final designated	
Giant kangaroo rat <i>(Dipodomys ingens)</i> Population: Entire	Endangered		
San Joaquin Kit fox <i>(Vulpes macrotis mutica)</i> Population: wherever found	Endangered		
Tipton kangaroo rat <i>(Dipodomys nitratoides nitratoides)</i> Population: Entire	Endangered		
Reptiles			
Blunt-Nosed Leopard lizard <i>(Gambelia silus)</i> Population: Entire	Endangered		
Giant Garter snake <i>(Thamnophis gigas)</i> Population: Entire	Threatened		

<http://ecos.fws.gov/ipac>, 09/29/2015 02:58 PM



United States Department of Interior  
Fish and Wildlife Service

Project name: Centennial Corridor - Stockdale and Enos

Critical habitats that lie within your project area

There are no critical habitats within your project area.

<http://ecos.fws.gov/ipac>, 09/29/2015 02:58 PM





## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846



In Reply Refer To:  
08ESMF00-2013-F-0373

DEC 20 2013

Mr. Javier Almaguer  
Chief, Central Region Biology South Branch  
California Department of Transportation, District 6  
855 M Street, Suite 200  
Fresno, California 93721

Subject: Formal Consultation for the Centennial Corridor Project (part of the Thomas Roads Improvement Program [TRIP]), City of Bakersfield, Kern County, California (California Department of Transportation EA 06-48460; 06-KERN-58-PM T31.7 to PM 55.6; 06-KERN-99-PM 21.2 to PM 26.2)

Dear Mr. Almaguer:

This is the U.S. Fish and Wildlife Service's (Service) response to the California Department of Transportation's (Caltrans) request for initiation of formal consultation on the proposed Centennial Corridor Project (project) in Kern County, California.

The Moving Ahead for Progress in the 21st Century Act (MAP-21) was signed into law on July 16, 2012. Caltrans was approved to participate in the MAP-21 Surface Transportation Project Delivery Program through the National Environmental Policy Act (NEPA) assignment Memorandum of Understanding (MOU) between the Federal Highway Administration (FHWA) and Caltrans (effective October 1, 2012), as codified in 23 U.S.C. 327. The MOU allows Caltrans to assume the FHWA's responsibilities under NEPA as well as FHWA's consultation and coordination responsibilities under Federal environmental laws for the majority of transportation projects in California.

This project is part of the larger Thomas Roads Improvement Program (TRIP), a collection of six road improvement projects designed to meet the long-term transportation needs of the greater City of Bakersfield (City) area; four projects have already completed consultation and one other is beginning consultation. TRIP is a cooperative effort between the City, County of Kern, Caltrans, and the Kern Council of Governments. Your letter, dated July 16, 2013, providing additional information and requesting the initiation of formal consultation, was received in this office on July 22, 2013. At issue are potential effects to the federally-listed as endangered San Joaquin kit fox (*Vulpes macrotis mutica*). This document represents the Service's biological opinion on the effects of the proposed project on the listed species. This document has been

Mr. Javier Almaguer

2

prepared in accordance with section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. § 1531 *et seq.*) (Act).

The findings and recommendations of this biological opinion are based on: (1) the consultation between Caltrans and the Service; (2) the biological opinions for the first four TRIP projects for which consultation has been completed: the *Morning Drive/State Route 178 Interchange Project*, issued to Caltrans on August 18, 2011, the *State Route 58 Rosedale Highway Widening Project*, issued to Caltrans on April 24, 2012, the *SR 178 Widening Project*, issued to Caltrans on August 10, 2012, and the *24<sup>th</sup> Street Improvement Project*, issued to Caltrans on September 21, 2012; and (3) other information available to the Service.

Caltrans has determined that the project is likely to adversely affect the San Joaquin kit fox. The Service has reviewed the proposed project and concurs with Caltrans' determination.

Caltrans has determined that the proposed project will have no effect on the California jewelflower (*Caulanthus californicus*), the Kern mallow (*Eremalche kernensis*), the San Joaquin woolly-threads (*Monolopia congdonii*), and the Bakersfield cactus (*Opuntia basilaris* var. *treleasei*) based on the results of botanical surveys and the distance of recorded occurrences from the project footprint. Focused botanical surveys were conducted for the corridor portion of the project first in 2008 on March 24, 27, and 28, and on May 15, 21, and 22; and then in 2009 from March 24-27 and from May 5-7. Additional, more recent focused botanical surveys were conducted at the Stockdale Highway/State Route 43 (Enos Lane) intersection portion of the project on March 27 and June 4, 2012. No detections of the species were made at either location. Surveys were conducted in the appropriate blooming periods and followed standard methods in accordance with the California Department of Fish and Wildlife's (CDFW; formerly the California Department of Fish and Game [CDFG]) revised 2009 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*, and the California Native Plant Society's 2001 *Botanical Survey Guidelines*.

According to the California Natural Diversity Database (CNDDDB; CDFW, 2013), the closest recorded historic occurrence of the California jewelflower to the project footprint is approximately 4.5 miles (mi) away. Additionally, the closest two recorded occurrences of the Kern mallow (dating from 1994 and 2008) are approximately 1.4 mi and 1.6 mi from the project footprint, respectively; the closest recorded occurrence of the San Joaquin woolly-threads (dating from 2009) is approximately 1.4 mi from the footprint; and the closest recorded occurrence of the Bakersfield cactus (dating from 1989) is approximately 4.2 mi from the project footprint.

Because habitat in the project area is still considered to be marginally suitable and provides the potential for these species to establish in the future, Caltrans has incorporated an additional minimization measure specifically addressing these plants. The measure is further described under the *Proposed Avoidance and Minimization Measures* section.

If changes are made to the proposed project or if new information becomes available such that adverse effects to the California jewelflower, the Kern mallow, the San Joaquin woolly-threads, and the Bakersfield cactus have occurred, or are likely to occur, then Caltrans must initiate

Mr. Javier Almaguer

3

formal consultation for these listed plant species. The remainder of this biological opinion will address the effects of the proposed project on the San Joaquin kit fox.

### Consultation History

#### TRIP background and coordination

*November 20, 2007.* The Service, Caltrans, AECOM, Parsons/TRIP, the CDFW, and the City (participating agencies) met. Parsons/TRIP requested that AECOM develop a strategy memo addressing compliance with the Act; Caltrans and the Service agreed that TRIP should take a project-specific approach. All participants agreed that a San Joaquin kit fox technical study for all TRIP projects should be conducted by AECOM, in conjunction with support from the Endangered Species Recovery Program (ESRP); such a study would be useful for supporting conclusions in future TRIP project BAs.

*August 26, 2008.* AECOM presented preliminary results of the San Joaquin kit fox surveys to the participating agencies. This included a presentation of the methodologies, data, and effects analysis strategy and mitigation options. The Service identified habitat connectivity and the maintenance of corridors connecting San Joaquin kit fox populations as a major issue facing the species in Bakersfield. Participants discussed potential compensatory mitigation options, including culverts, refugia, and artificial kit fox dens.

*September 10, 2009.* The participating agencies met. Discussion focused on the early July 2009, *Draft Thomas Roads Improvement Program San Joaquin Kit Fox Life History, Effects Analysis, and Conceptual Mitigation Strategy* (2009 Draft Strategy Plan).

*October 7, 2009.* The Service issued a concurrence letter approving the conceptual framework for the San Joaquin kit fox compensation strategy plan outlined in the 2009 Draft Strategy Plan.

*February 26, 2010.* The Service received two hard copies of the comprehensive February 2010 *Draft Thomas Roads Improvement Program San Joaquin Kit Fox Effects Analysis, Mitigation Strategy, and Implementation Plan* (2010 Draft Implementation Plan).

*March 11, 2010.* The participating agencies met at the CDFW office in Fresno to discuss the 2010 Draft Implementation Plan; topics included an overview of the 2010 Draft Implementation Plan, potential issues with the Metro-Bakersfield Habitat Conservation Plan (MBHCP) expiration date, and funding for the proposed Sump Habitat Program (SHP).

*April 12-13, 2010.* AECOM sent an electronic-mail (e-mail) to the Service and the CDFW to request guidance on what AECOM could use as a template for developing a long term management plan for the SHP. AECOM suggested using the U.S. Army Corps of Engineers' (Corps) template. The Service replied on April 13 to confirm that this was acceptable, and provided a management plan outline illustrating what the Service would expect to see in a potential management plan.

Mr. Javier Almaguer

4

*May 5, 2010.* An informal conference call was held between AECOM and the Service to discuss recent developments that would be covered in the upcoming meeting that the Service would be unable to attend: Parsons/TRIP had successfully presented the six projects to the MBHCP Trust Group; the real estate meeting between AECOM and the City resulted in the discovery that easements on four of the 19 sumps were owned outright by the City, four were owned by the City but had deed restrictions; and 11 were not owned by the City. AECOM also had specific questions regarding what the Service would look for in the upcoming BA.

*May 11, 2010.* The participating agencies met at the CDFW office in Fresno to discuss the SHP.

*July 14, 2010.* A meeting was held at the SFWO amongst all the participating agencies. Parties agreed on the content of the project BA regarding avoidance and minimization measures and a general description of the SHP, compensation, eventual inclusion of a third chapter in the 2010 Draft Implementation Plan describing the finalized SHP in detail, endowment/easement updates, and schedules.

*August 18, 2010.* The participating agencies met at the CDFW's Fresno office to discuss the latest developments in compliance, BA preparation, and the SHP. Major topics included TRIP eligibility for participation in the MBHCP, BA content, and further details concerning the SHP (e.g. easement and program management, endowments, and sump selection).

*September 15, 2010.* The CDFW contacted the Service with information concerning language in accordance with the California Endangered Species Act (CESA) that the CDFW would like to see included in the project biological opinion so that it would be able to issue a Consistency Determination (CD) and avoid undertaking a lengthier 2081 Incidental Take Permit process. The Service responded to discuss this information with the CDFW.

*September 30, 2010.* The Service, AECOM, Parsons/TRIP, and Caltrans held a conference call to discuss paying MBHCP compensation fees for the six TRIP projects in advance of the 2014 MBHCP expiration. Although the construction schedule for at least one project is not anticipated to begin until after 2014, it still could be compensated for prior to the expiration date. In a revised September 1, 2010, letter which included details of all six projects and compensation ratios, a blanket concurrence from the MBHCP Trust Group to use the MBHCP was given to the City and Caltrans. The Service suggested that an MOU with all parties involved could be implemented for paying fees in advance and provided an MOU template to AECOM.

*October 22, 2010.* The Service met internally to discuss the need for an MOU/memorandum of agreement (MOA) between the Service, Caltrans and the City regarding MBHCP compensation. It decided that it would be more appropriate to have an agreement between the City and Caltrans and the MBHCP Trust Group to avoid pre-decisional commitments by the Service.

*December 8, 2010.* The Service e-mailed Caltrans to request a copy of the *Draft Thomas Roads Improvement Program Mitigation for Cumulative Effects to the San Joaquin Kit Fox* (Draft SHP Plan), dated September 2, 2010, which outlines the basic conceptual framework for the proposed SHP. Caltrans e-mailed a copy and stated this would later be incorporated into a third chapter in the 2010 Draft Implementation Plan.

Mr. Javier Almaguer

5

*January 20, 2011.* The Service e-mailed Caltrans and AECOM to provide them with an update on what the SFWO had concluded regarding the concerns with CDs, CESA language, and BOs: the Service stated it would not include the CDFW's conditions in the Terms and Conditions of its biological opinions; however, the CDFW's conditions could be included in the project description and conservation measures. The Service does not have the authority to use the type of language the CDFW is looking for (e.g. financial assurances, letters of credit) as terms and conditions to minimize incidental take.

*January 25, 2011.* E-mails were exchanged between AECOM, the CDFW, and the ESRP concerning fence design for the SHP. The CDFW was concerned that the proposed 8x8 inch gaps were too big and would allow predator species in the sump locations. The CDFW suggested that 4x6 inch or 5x5 inch gaps would be more appropriate. The ESRP responded that 4x6 inch openings would be fine, but 6x6 inch openings would be better for the San Joaquin kit fox and would still exclude predators. AECOM noted that the gap design objective for the sumps was different from that for the road design modifications (keeping predators out versus maintaining movement and permeability).

*March 21, 2011.* Caltrans informed the Service that following a meeting with the CDFW to discuss the project, Caltrans had decided not to pursue a 2081 Incidental Take Permit or a CD under CESA with the CDFW, as it had determined that take of the San Joaquin kit fox, as defined under CESA, could be avoided.

*June 22, 2011.* A meeting was held at the SFWO and attended by the Service, AECOM, Parsons/TRIP, the City, and Caltrans. Participants discussed updates regarding the status of the TRIP projects, the SHP, conservation easements and endowments, future work products, and possible additional funding support for the TRIP projects.

*July 1, 2011.* AECOM e-mailed draft notes from the June 22 meeting for circulation and comment.

*January 30, 2012.* A meeting was held at the SFWO and attended by the Service, AECOM, Parsons/TRIP, the City, and Caltrans. Participants discussed updates regarding the status of all the TRIP projects, the resolution of encumbrances, options for providing long-term conservation assurances, potential funding mechanisms, the proposed schedule for continued development and eventual implementation of the SHP, and preparation of the Long-Term Management Plan.

*February 20, 2012.* AECOM e-mailed draft notes and action items from the January 30 meeting for circulation and comment.

#### Project-specific coordination

*April 16, 2013.* The Service received a letter from Caltrans requesting initiation of formal consultation for the current project. The request included a biological assessment (BA) titled *Centennial Corridor Project, State Route 99 to Interstate 5 Biological Assessment*, dated March 2013, and prepared by the consultant, BonTerra Consulting.

Mr. Javier Almaguer

6

*May 16, 2013.* The Service emailed Caltrans to inquire why three different alternatives were presented in the BA. The Service emphasized that it could not consult on multiple alternatives and therefore consultation could not proceed until an alternative was selected and a specific project defined.

*May 20 - June 3, 2013.* The Service and Caltrans continued to discuss the issue of the alternatives.

*June 5, 2013.* Caltrans informed the Service that it had selected Alternative B.

*June 18, 2013.* The Service emailed Caltrans with a request for additional information and clarifications regarding the BA.

*July 22, 2013.* The Service received a letter from Caltrans responding to the Service's June 18 request for additional information and inquiring if the project was now deemed complete such that Caltrans could initiate formal consultation. Included with the letter were a comment resolution form and a revised copy of the BA.

*July 24, 2013.* The Service confirmed with Caltrans that the project initiation package was considered complete and that formal consultation was initiated on July 22.

*November 21, 2013.* The Service emailed Caltrans to follow-up with several project clarification questions.

*December 6, 2013.* Caltrans emailed the Service the consultant's responses to the Service's November 21 request.

## **BIOLOGICAL OPINION**

### **Proposed Project**

The City, in coordination with Caltrans, proposes to construct a new freeway corridor connecting the eastern end of a local freeway, known as the Westside Parkway, to the existing State Route (SR) 58 (East) freeway. In conjunction with this, the project also proposes to improve the intersection at Stockdale Highway and SR 43 (known locally as Enos Lane) in order to accommodate additional traffic. The purpose of the project is to improve route continuity along SR 58 between SR 99 and Interstate (I)-5 within Metropolitan Bakersfield and wider Kern County. SR 58 is a critical highway in the State transportation network used by interstate travelers, commuters, and truckers, but it currently lacks continuity in central Bakersfield, which results in severe traffic congestion and reduced levels of service on adjoining highways and local streets.

#### *Centennial Corridor (Segment 1)*

Caltrans has selected the approximately 8.6 mi long Alternative B as the build alternative for the corridor construction. This will involve building a six-lane freeway heading west from the

Mr. Javier Almaguer

7

*Centennial Corridor (Segment 1)*

Caltrans has selected the approximately 8.6 mi long Alternative B as the build alternative for the corridor construction. This will involve building a six-lane freeway heading west from the existing SR 58/SR 99 interchange for approximately 1,000 feet (ft.) along an alignment situated south of Stockdale Highway, then heading northwest and spanning Stockdale Highway/Stine Road, California Avenue, Commerce Drive, Truxtun Avenue, and the Kern River, and finally joining the east end of the Westside Parkway between the Mohawk Street and Coffee Road interchanges. The segment of SR 58 between California Avenue and Ford Avenue will be depressed (the roadway will be below grade) in order to minimize the visual effects of the corridor on the surrounding neighborhood. Overcrossings are proposed at Marella Way and La Mirada Drive to facilitate improved traffic circulation.

Alternative B also includes adding connections to SR 99 and improvements to SR 99 and the existing segment of SR 58. Linkages will be provided from northbound SR 99 to westbound SR 58 and from eastbound SR 58 to southbound SR 99 via high-speed connectors. Southbound SR 99 will be widened to accommodate additional traffic heading from eastbound SR 58 to the southbound SR 99 connector. The limits of widening on SR 99 will extend to the Wilson Road overcrossing. Ramps will need to be realigned to accommodate the additional constructed lanes. Several on- and off-ramps (e.g. Wible Road, south of the SR 58/SR 99 interchange; Stockdale Highway, on southbound SR 99 to eastbound SR 58 connector) are presently in conflict with Caltrans' standards of interchange spacing, and so will be removed.

Excavation associated with Alternative B will reach a maximum depth of 25 ft. near SR 58 between Stephens Drive and H Street in order to accommodate the widened ramps, as well as between California Avenue and Ford Avenue where the freeway will be constructed below the existing grade. On SR 99, the maximum depth of excavation will be approximately 18.5 ft. between Belle Terrace and Ming Avenue.

*Stockdale Highway/SR 43(Enos Lane) Interchange*

Improvements will include widening the intersection and adding signals to control traffic. This intersection currently operates at a deficient level of service due to its existing configuration. When the corridor segment of the project connects to the Westside Parkway, traffic volumes will increase on Stockdale Highway, so the improvements at this intersection are needed to accommodate the anticipated additional traffic demand. SR 43 will be expanded to add a dedicated left-turn lane in both directions, while Stockdale Highway will be widened to add a dedicated left-turn lane and a shared through/right-turn lane in both directions.

*Other Project Elements*

Detours, utilities, and drainage: Traffic detours will be implemented on existing streets; further details regarding these routes will be developed during later project design phases. The relocation and reconstruction of utilities and drainage facilities within the project right-of-way (ROW) will include power poles, underground utilities, and storm drains. Utility relocations are expected to be done without interruption to services and drainage improvements will involve

Mr. Javier Almaguer

8

operational Best Management Practices (BMPs). Eight new drainage basins will be installed throughout the project area to retain stormwater while six existing basins will be modified.

Borrow, Staging and Access: All borrow, disposal, vehicle access, staging, storage, utility relocations, and other construction activities will occur within the defined limits of disturbance, i.e. the project footprint.

Scheduling: According to Caltrans' anticipated project schedule, design was expected to begin in mid-2013 and be completed by mid-2015. Construction is then anticipated to start in 2016 and continue year-round through 2018.

Proposed Avoidance and Minimization Measures

According to the BA, the Draft SHP Plan, the 2010 Draft Implementation Plan, and measures previously established in the Morning Drive/SR 178 Interchange Project, SR 58 Rosedale Highway Widening Project, SR 178 Widening Project, and 24<sup>th</sup> Street Improvement Project biological opinions, in addition to further discussion with Caltrans, the City and Caltrans propose to implement protection provisions in order to minimize adverse effects to the San Joaquin kit fox. Several of these are developed, in part, from the Service's most recent guidelines; currently, this is the January 2011 *U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (Recommendations). Additional measures are developed to be project- or program-specific:

1. Caltrans will include Special Provisions that include the avoidance and minimization measures of this biological opinion when soliciting contractor bid packages.
2. Prior to project groundbreaking, a Service-approved biologist(s) will conduct updated protocol-level botanical surveys within the project footprint during the appropriate blooming periods for the following four species: the California jewelflower, the Kern mallow, the San Joaquin woolly-threads, and the Bakersfield cactus. Surveys will be conducted in accordance with the most current protocols accepted by the Service. The intention will be to discover any changes in, or new additions to, the floristic composition of federally-listed plant species at the project site.
3. Caltrans and the City will follow the construction and on-going operational requirements described in the Service's Recommendations.
4. No less than 30 days but no more than 60 days prior to road construction, a Service-approved biologist(s) will conduct preconstruction surveys for San Joaquin kit fox dens both in the project footprint and within 200 ft. of the footprint, inclusive of any utilities relocations. A letter report and map of known and potential San Joaquin kit fox dens will be submitted to the Service prior to the start of ground disturbance and/or construction activities. Repeat clearance surveys will be conducted no more than 14 days before construction or after any delays in construction of over two weeks. Any new known or potential San Joaquin kit fox dens identified in the interim will be reported to the Service in a letter report and map. If no new known or potential San Joaquin kit fox dens are



Mr. Javier Almaguer

9

approved biologist(s), and general survey findings. Records will be submitted to the Service upon request.

5. Disturbance to all San Joaquin kit fox dens will be avoided to the maximum extent possible. If known or potential dens are identified within the footprint during the 60-day and/or 14-day preconstruction surveys, Caltrans will request to monitor and excavate those dens that are expected to be affected directly by the project and cannot be avoided. Active dens will not be excavated during the natal season (approximately January 1 - June 30). The Service-approved biologist(s) will monitor potential dens for three consecutive nights using tracking medium and/or a remote sensor camera, will submit monitoring results in a letter report to the Service, and also will oversee the hand excavation of dens that have been determined vacant following approval by the Service. The Service-approved biologist(s) also will submit results of den excavation and exclusion activities in a letter report to the agencies. The following measures will be applied to dens that are not excavated:
  - a. Dens that are identified during preconstruction surveys of the project footprint boundary and a 200 ft. area outside of the project footprint will be monitored and protected by an exclusion zone around dens, as measured outward from the entrance or cluster of entrances of each den.
    - i. Potential and atypical dens within 50 ft. of the project footprint will be protected with a 50 ft. zone delineated by flagged stakes;
    - ii. Known dens within 100 ft. of the project footprint will be protected with a 100 ft. zone. To ensure protection, the exclusion zone will be demarcated by fencing/flagging that does not prevent access to the den by the San Joaquin kit fox. Acceptable designs will have openings for San Joaquin kit fox ingress/egress but will keep humans and equipment out, e.g. wooden posts connected with caution tape; orange construction cones; orange construction fencing with a mesh size less than 2 inches in diameter (to prevent the San Joaquin kit fox from becoming entangled in the fencing) with gaps every 50 ft. Fencing/flagging will be maintained until all construction-related disturbances have been terminated. At that time, all fencing/flagging will be removed to avoid attracting subsequent attention to the dens.
  - b. If natal/pupping dens are discovered either within the project footprint or within 200 ft. of the project footprint, Caltrans will immediately notify the Service.
6. The Service-approved biologist(s) will conduct a worker environmental awareness program for all construction crews prior to ground-disturbing activities, with the purpose of informing all crew members of the potential for the San Joaquin kit fox to occur on-site, the effects on the species from construction activities, how to minimize effects to the species, and the penalties for non-exempted take. The training will be repeated to all new

Mr. Javier Almaguer

10

crew members and annually to all crew members working in San Joaquin kit fox habitat. Crew members will sign an attendance sheet and confirm that they understand the protection measures and construction restrictions. Training materials and records of attendees will be submitted to the Service.

7. The Service-approved biologist(s) will monitor road construction on a daily basis and will verify that construction complies with the measures laid out in this biological opinion. The Service-approved biologist(s) will maintain a log of daily monitoring notes that can be summarized and transmitted to the Service by request.
8. Permeable fencing will be installed along the proposed ROW in all areas where there is known San Joaquin kit fox activity and lower traffic speeds/volumes. Permanent exclusionary fencing will be installed along the proposed ROW in high-density residential areas and/or in areas with higher traffic speeds/volumes. In all areas in need of new permeable fencing, at least one design option featured below will be adopted to provide the San Joaquin kit fox with passage and movement opportunities, and to minimize the potential to disrupt species movement and habitat fragmentation of the project area:
  - a. Elevate the bottom of the fence 5 inches above ground to allow unobstructed movement by the San Joaquin kit fox under the fence.
  - b. Install ground-level 8 x 8 inch wide gaps no more than 100 ft. apart along the length of the fence to allow for San Joaquin kit fox movement at regular intervals along the ROW.
  - c. Install fencing with a minimum mesh size of 3.5 x 7 inches, preferably 5 x 12 inches, to allow unlimited movement through the fence.
9. Curbed medians will be used as part of the project design and their height will be no greater than 10 inches. Either 6-inch high curbed medians with low vegetation or 10-inch high un-vegetated curbed medians will be constructed so as not to obstruct the visual field of the San Joaquin kit fox near the roadway. Curbed medians less than 10 inches in height and which require landscaping will be planted with low-level vegetation (i.e. less than 6 inches tall at maturity), or be mowed frequently to prevent overgrowth and provide an unobstructed line of sight for the species, or will have gaps installed measuring no less than 4 ft. wide every 12 ft. in areas landscaped with trees and shrubs.
  - a. If required, landscaping will be designed in conjunction with the curbed median design in order to allow unobstructed visibility to the San Joaquin kit fox and to maintain and/or enhance opportunities for movement across the roadway.
10. Median barriers will be required in some areas of the project for the purpose of public safety. The Caltrans-designed modified median barrier type 60/S will be used. Caltrans' type 60/S design previously has been utilized in other projects (e.g. reinitiated Biological

Mr. Javier Almaguer

11

Opinion for the State Route 99 Goshen to Kingsburg 6-Lane Project, in Tulare and Fresno Counties; Service File number 81420-2009-F-0752) and includes 9-inch radius openings (semicircular openings 9 inches high x 18 inches wide) spaced every 150 ft. to allow passage by the San Joaquin kit fox. Maintaining permeability in this manner will also reduce the potential to disrupt species movement and connectivity in the project area.

11. In areas of known San Joaquin kit fox activity and high traffic volumes and/or speeds, existing San Joaquin kit fox movement corridors like the canal channels and the Kern River, as well as railroad ROWs (e.g. BNSF), will be preserved through the use of bridges and/or culverts to facilitate crossings. Some segments of the canals under the new roadways will be converted from trapezoidal channels to box culverts; other segments of the canals with existing box culverts will be extended. Toe-of-road fill and bridge support walls will be maintained and new walls will be designed no less than 20 ft. from the centerlines of canal access roads and railroads.
  - a. An elevated bridge currently exists at the location where the Westside Parkway crosses the trapezoidal channel of the Friant-Kern Canal. Species access will continue to be provided along an elevated access road located parallel to the canal.
  - b. An above-grade bridge will be constructed over the trapezoidal channel of the Stine Canal. This will allow the species to move freely below the roadway.
  - c. An above-grade bridge (westbound Mohawk St. off-ramp) will be constructed over the Cross Valley Canal, which exists as a double box culvert. The Kern River corridor is located proximate to the canal and so it provides existing access for the species in the area; no additional crossing features are proposed at this canal site.
  - d. Two design options are proposed for the location where the new roadway will cross the Carrier Canal: 1) box culvert → if this design is chosen, a crossing structure (with proposed 5 x 5 inch mesh size and 10 inch diameter escape pipes within a 60 inch diameter crossing culvert) will be installed to connect the access roads on the north side of the canal; 2) bridge → if this design is chosen, no additional crossing features will be necessary since the elevated bridge above the trapezoidal canal will allow the species to move freely below the roadway.

The MBHCP Trust Group provided a letter to the City, dated December 3, 2010, in which it approved the ongoing use of the MBHCP for proposed compensation obligations for all TRIP projects; it also permitted payment to occur on an individual project basis after the approval of the final environmental document (FED) for each project. The City will pay the appropriate fee amount to the Trust Group and the Trust Group will acquire the required acreage amounts to be protected in perpetuity.

Mr. Javier Almaguer

12

12. Caltrans will verify that the City compensates for the permanent loss of 11.28 ac and temporary disturbance to 65.55 ac of habitat consisting of non-native grassland, riparian woodland/Great Valley cottonwood riparian forest, ruderal/disturbed areas, desiccated waterways, detention basins, and agricultural land suitable for the San Joaquin kit fox by purchasing 105.95 ac (using a 3:1 compensation ratio for permanent effects and 1.1:1 compensation ratio for temporary effects) through the MBHCP.
  - a. Prior to construction, the limits of affected habitat acreage by vegetation type will be verified and delineated on a map, and submitted for approval to the Service. This will be done prior to its submittal to the City Planning Department for fee payment.
13. Upon completion of project construction, all areas subject to temporary ground disturbance, including storage and staging areas, will be restored to original grade and contour. Appropriate methods and plant species used to re-vegetate will be determined on a site-specific basis in consultation with re-vegetation experts.
14. To minimize opportunistic predatory effects to the San Joaquin kit fox, the City and Caltrans will condition contracts with contractors to require that trash be removed at least once daily from project areas and disposed of off-site so as not to attract predator species like coyotes (*Canis latrans*) and bobcats (*Lynx rufus*) to the project area.
15. The City and Caltrans will condition contracts with contractors to require that contained water sources, which are inaccessible to the San Joaquin kit fox (e.g. elevated water trucks), be used for dust control and other construction water activities.

The SHP will provide long-term habitat conservation for the urban San Joaquin kit fox population in the metro-Bakersfield area by focusing on sumps (i.e. stormwater drainage basins); sumps in Bakersfield are a functional habitat type for the species and many sumps are either currently known to support San Joaquin kit fox dens or offer potential denning opportunities. The City, in coordination with Caltrans, proposes to utilize the SHP to minimize collective effects to the San Joaquin kit fox engendered by all six TRIP road improvement projects. Conservation measures of the SHP include the installation of artificial dens in selected sumps, the enhancement of San Joaquin kit fox habitat by controlling vegetation in and around dens, the increase of San Joaquin kit fox accessibility to sumps through installation of fence/gate openings (with proposed dimensions of 6 x 6 inches to exclude predators like coyotes and medium- to large-sized dogs), and the reduction in the potential for effects to the species associated with regular maintenance activities and predation. The City provided a letter of commitment to the Service, dated August 10, 2010, fully supporting and providing assurance of the implementation and management of the SHP and its conservation efforts.

16. The basic conceptual framework for the SHP is described in the September 2010 Draft SHP Plan, which addresses five core conservation goals in detail that are integral to the implementation and success of the SHP: 1) the selection of sumps that maintain San Joaquin kit fox accessibility and/or habitat (i.e. those of high/medium conservation

Mr. Javier Almaguer

13

priority based on the relative potential for minimizing program-level effects); 2) the installation and maintenance of San Joaquin kit fox enhancement features (i.e. fence/gate gaps, artificial dens, conservation zones, signs, and enhancement maintenance and repair); 3) the management of sump vegetation compatible with San Joaquin kit fox presence and/or use (i.e. performance of routine maintenance outside the San Joaquin kit fox natal season and the use of hand tools in conservation zones and new active dens); 4) the biological monitoring and reporting of results (i.e. pre-maintenance surveys; den monitoring and supervised den excavation; environmental awareness training; maintenance monitoring; annual enhancement inspection; annual San Joaquin kit fox sump use monitoring; and annual reporting); and 5) the provision of long-term conservation assurances (i.e. individual conservation easements for each sump; a perpetual non-wasting endowment for management, maintenance, and monitoring costs associated with ongoing implementation; and a Service-approved Long-Term Management Plan. The proposed easement and endowment holder(s) will be Service-approved third-party organizations). Further details in regards to these five core measures can be found in the Draft SHP Plan.

- a. The SHP will continue to be updated, refined, and ultimately finalized through an ongoing collaborative consultation process involving Caltrans, the City, Parsons/TRIP, and the Service over the course of the final remaining TRIP project.
- b. The finalized SHP will be established and implemented within one year of the approval of the FED for the last of the six TRIP projects; the City will fully fund the SHP within one year of this approval. Caltrans and the City will share responsibility for the SHP; Caltrans will adhere to the proposed avoidance and minimization measures and terms and conditions of this biological opinion and will be responsible for the overall implementation of the SHP, while the City will be responsible for enhancing sumps and conducting long term management of the SHP. A Service-approved third-party will be responsible for administering endowment funds and providing compliance oversight with the terms of the conservation easements for each sump in the SHP.

Action Area

The action area is defined in 50 CFR § 402.02, as “all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.” The action area for this project is composed of the project footprint, which includes the limits of construction for the proposed freeway corridor (alternative B) and the Stockdale Highway/SR 43 intersection within the existing and proposed Caltrans ROW, plus a temporary construction area extending 25 ft. out from the edge of the construction boundaries to allow for equipment maneuvering. Habitat types within the footprint include non-native grassland, riparian woodland/Great Valley Cottonwood riparian forest, disturbed/ruderal land, agricultural areas, developed/ornamental areas, waterways (e.g. segments of the Kern River and canals), and detention basins. The action area also includes portions of these lands that extend approximately 200 ft. from the project

Mr. Javier Almaguer

14

footprint which will experience further-reaching effects of new road construction and intersection improvements such as noise and visual disturbance.

Analytical Framework for the Jeopardy/No Jeopardy Determination

In accordance with policy and regulation, the following analysis relies on four components to support the jeopardy/no jeopardy determination for the San Joaquin kit fox: (1) the *Status of the Species*, which evaluates the species’ range-wide conditions, the factors responsible for those conditions, and its survival and recovery needs; (2) the *Environmental Baseline*, which evaluates the condition of the species in the action area, the factors responsible for that condition, and the role of the action area in the species’ survival and recovery; (3) the *Effects of the Action*, which determines the direct and indirect effects of the proposed Federal action and the effects of any interrelated or interdependent activities on the species; and (4) *Cumulative Effects*, which evaluates the effects of future, non-Federal activities in the action area on the species.

In accordance with policy and regulation, the jeopardy/no jeopardy determination is made by evaluating the effects of the proposed Federal action in the context of the species’ current status, taking into account any cumulative effects, to determine if implementation of the proposed action is likely to cause an appreciable reduction in the likelihood of both the survival and recovery of the San Joaquin kit fox in the wild.

The following analysis places an emphasis on consideration of the range-wide survival and recovery needs of the species and the role of the action area in meeting those needs as the context for evaluating the significance of the effects of the proposed Federal action, combined with cumulative effects, for purposes of making the jeopardy/no jeopardy determination. In short, a non-jeopardy determination is warranted if the proposed action is consistent with maintaining the role of habitat for the species’ populations in the action area for the survival and recovery of the species.

Status of the Species

Refer to the *San Joaquin Kit Fox (Vulpes macrotis mutica) 5-Year Review: Summary and Evaluation* (Service, 2010) for the current Status of the Species. The 5-Year Review provides a description of the species, including its distribution, habitat requirements and other life history information, current threats, an analysis of progress made in recovering the species, and recommendations for recovery actions over a future five year period.

The urban Bakersfield San Joaquin kit fox population is the only substantial population of the species known to occur outside the core areas of western Kern, Carrizo Plain Natural Area, and Ciervo-Panoche (Cypher and Warrick, 1993; Cypher *et al.*, 2000), which contain significantly greater areas of less disturbed natural habitat. The Bakersfield population therefore comprises a important satellite population also identified as significant for recovery of the species.

According to the CNDDDB (2013) there are 48 recorded occurrences of the San Joaquin kit fox within the Gosford, Lamont, Tupman. and Stevens United States Geological Survey (USGS) 7.5 minute quadrangles, in which the action area is located; these numerous species observations are



Mr. Javier Almaguer

15

located all around the project site. The closest record is from 2006 and is located approximately 0.7 mi from the project footprint. Within the vicinity of the action area, one potential den, four presumed active dens, and six incidences of San Joaquin kit fox sign were identified during a survey conducted in September 2008 by AECOM; these were all found in open spaces along the Kern River between approximately Mohawk Street and 24<sup>th</sup> Street. Data adapted from Bjurlin *et al.* (2005) in the 2010 Draft Implementation Plan also identified three nearby instances of San Joaquin kit fox vehicle-related mortalities on the south side of the Kern River near Mohawk Street and Truxtun Avenue.

As an area where the San Joaquin kit fox has adapted to the urban environment, traffic-related incidents have been and will continue to be the primary source of mortality in Bakersfield (Cypher, 2000; Bjurlin *et al.*, 2005). Other dangers posed by the urban environment of the metro-Bakersfield area include predation from domestic dogs and entanglement in playing field and schoolyard equipment like soccer nets. We are aware of eight separate Federal actions concerning effects to the San Joaquin kit fox, located in the immediate vicinity of the action area, that have previously completed consultation with the Service: the Westside Parkway Project (Service file number 1-1-98-F-0139; as reinitiated and amended 1-1-00-F-0185, 1-1-04-F-0194, 81420-2008-F-0368-27, 81420-2008-F-0368-28); the reinitiation of Phase 4 of the Westside Parkway Project (Service file number 81420-2008-F-0368-R001-1); the California Avenue On-Ramp Project (Service file number 81420-2011-I-0527-1); the SR 58 Rosedale Highway Widening Project (Service file number 08ESMF00-2012-F-0049); the 24<sup>th</sup> Street Improvement Project (Service file number 08ESMF00-2012-F-0290); the Cawelo Water District Calloway Canal Lining Project (Service file number 08ESMF00-2013-I-0135); the Big West-Flying J Clean Fuels Refinery Upgrade Project (Service file number 81420-2008-F-0616); and the Bakersfield Emergency Bridge and Utility Repair Project (Service file number 08ESMF00-2012-IE-0601).

#### Environmental Baseline

Contiguous tracts of undisturbed habitat suitable for the San Joaquin kit fox existed in the action area to a greater extent prior to the origination and expansion of urban development in central Bakersfield. It is reasonably likely that the conversion of natural lands to residential, industrial, commercial, and agricultural areas and the introduction of transportation infrastructure such as the initial construction of SR 99 and SR 58, in addition to networks of arterial roads, have affected the species. Ongoing urbanization has continued to result in habitat loss and fragmentation while roadway- and vehicle-related risks pose threats of injury and mortality to the species. Of the habitat types that will be affected directly by the project, non-native grassland comprises approximately 66 percent of the total action area acreage still considered to be suitable for use by the San Joaquin kit fox; ruderal/disturbed areas comprise approximately 23 percent of the total acreage; and segments of waterways (e.g. the Kern River channel and canal beds), riparian woodland/Great Valley Cottonwood riparian forest, three detention basins, and agricultural lands make up the remaining total habitat.

Despite the continuation of these effects, the action area nevertheless provides suitable denning and foraging habitat for the San Joaquin kit fox; furthermore, San Joaquin kit fox sign has been

Mr. Javier Almaguer

16

identified in the action area. Although the CNDDDB (2013) has no records of the species or its sign within the action area, information from the MBHCP database, as illustrated in the 2010 Draft Implementation Plan, shows that there are multiple San Joaquin kit fox records documented within the proposed corridor footprint. The corridor portion of the project was surveyed on September 17, 2008, and the Stockdale Highway/SR 43 intersection portion was surveyed more recently on April 4, 2012 since this additional component of the project was added after the initial surveys were conducted. Surveys followed a methodology established for all of the TRIP projects and approved by the Service and the CDFW as described in the 2010 Draft Implementation Plan. These surveys identified three potential dens in the corridor portion of the project along the Kern River near Mohawk Street and adjacent grasslands and in City Basin 143, as well as two incidences of San Joaquin kit fox sign.

San Joaquin kit foxes in Bakersfield have been found to move along linear habitat features. The Kern River corridor is an established natural movement corridor that the San Joaquin kit fox utilizes in the action area. The river channel consists of an open, sandy wash, with segments either sparsely vegetated or else devoid of vegetation. Segments of five constructed, unlined canals and one concrete-lined canal run through the action area; according to the 2010 Draft Implementation Plan, these canals (Cross Valley, Carrier, Stine, Kern Island, Central Branch Kern Island, and Friant-Kern) also serve as recognized movement corridors for the San Joaquin kit fox. At the time of vegetation mapping surveys in the spring of 2008 and 2009, four of these canals, with the exceptions of the Cross Valley and Friant-Kern Canals, did not contain water, but signs indicated that they do so intermittently. They also appeared to be regularly maintained by disking or mowing.

The Service anticipates that the San Joaquin kit fox is reasonably certain to occur in the action area based on the biology and ecology of the species; the presence of suitable habitat for denning and foraging, and known corridors for movement; and the documentation of San Joaquin kit fox sign in the action area.

#### Effects of the Proposed Action

##### *Habitat Loss and Disturbance*

The proposed project is likely to result in a number of adverse effects to the San Joaquin kit fox. Construction work, such as the excavation, filling, and paving activities associated with constructing the new freeway corridor, adding connections to SR 99, improving existing segments of SR 99 and SR 58, and improving the Stockdale Highway/SR 43 intersection will result in the permanent loss of 11.28 ac of suitable habitat for the San Joaquin kit fox; there also will be temporary disturbance to 65.55 ac of suitable habitat due to activities such as grading, staging, and access. Temporary disturbance is defined here as a short-term event in which effects do not degrade the habitat beyond its ability to recover after completion of project construction. Because the project is anticipated to last for significantly longer than one year, the disturbance to habitat areas will be ongoing and therefore the habitat will likely take longer to recover. Therefore, it is reasonable to expect this disturbance to result in harm to the San Joaquin kit fox.

Mr. Javier Almaguer

17

Based on currently available information, there are three potential dens within the project footprint that are likely to be permanently eliminated during construction. If a large number of known or potential dens are identified in the project footprint during preconstruction surveys and require excavation (following appropriate monitoring), their destruction would remove shelter and cover for the species. This would be reasonably likely to adversely affect local San Joaquin kit fox survival by reducing the number and distribution of escape refuges from predators.

To offset the loss of habitat, the City, through participation in the MBHCP, will purchase conservation land that is of commensurate or higher quality to the habitat lost due to project construction, ensuring that the species can continue to breed, feed, shelter, and meet all its life cycle functions. The MBHCP’s goal is to acquire, preserve, and enhance large, contiguous native habitats that support listed and sensitive species like the San Joaquin kit fox. The City, in coordination with Caltrans, is also developing the SHP, a comprehensive and extensive conservation plan specifically designed to address habitat loss and effects to the San Joaquin kit fox. The SHP will reduce and minimize the collective construction effects deriving from the six TRIP projects in the metro-Bakersfield area by protecting and enhancing sumps (identified as a crucial habitat type for the urban Bakersfield San Joaquin kit fox population) located throughout the City through easement holdings. Participation in the MBHCP and implementation of the SHP will preserve and enhance suitable San Joaquin kit fox habitat and will contribute to protecting and managing the habitat for the conservation of the species in perpetuity. These lands also will help maintain the geographic distribution of the species and will contribute to the recovery of the species.

Entombment and Strikes

Since suitable denning habitat and potential San Joaquin kit fox dens exist in the action area, it is important that effects are reduced to the greatest extent possible. With the implementation of proposed conservation measures such as preconstruction surveys, den monitoring, exclusion zones, and hand excavation of vacant dens, the risk of crushing or entombing the San Joaquin kit fox in dens (natural and man-made) during groundbreaking activities and construction is not reasonably likely to occur.

The proposed conservation measures are designed to minimize the risk of construction vehicle strikes. Therefore, it is not reasonably likely that the species will be hit by project equipment or vehicles while occupying or moving through the action area.

Road Mortality

Injury and mortality are likely to occur to the San Joaquin kit fox when individuals attempt to cross roads. Each highway and roadway associated with the construction of the new corridor and the accompanying improvements (e.g. SR 99, SR 58, Westside Parkway) is already an existing hazard for this widely ranging, dispersing species, and each highway/roadway will continue to be a hazard for the San Joaquin kit fox. With the creation of the Centennial Corridor, this too will introduce hazards to the species and it is reasonably likely that the species will be struck by vehicles on the new roadway.

Mr. Javier Almaguer

18

However, to reduce the risk of injury and mortality to the San Joaquin kit fox that will stem specifically from vehicle strikes on the new roadway, Caltrans has developed the best available information to incorporate into the project through discussions with the ESRP, the Service, the CDFW, the City, and a previous consultant, AECOM. Using various methods of on-site project design modifications relating to permeability and connectivity, Caltrans has integrated measures believed to present the greatest value to the species in the context of the project. Because the action area is known to be used by the San Joaquin kit fox, and a portion of the new corridor alignment is within a known San Joaquin kit fox concentration area (Cypher, pers. comm., 2009a), the primary objectives of these modifications are to provide opportunities for the San Joaquin kit fox to cross the roadway in spite of construction effects; to minimize the potential for an increase in vehicular injury and mortality (although it is not possible to quantify the extent to which these will be minimized); and to maintain San Joaquin kit fox movement through preserving existing physical corridors such as the Kern River and canals that the species can safely continue to utilize.

Cumulative Effects

Cumulative effects include the effects of future State, Tribal, local, or private actions that are reasonably certain to occur in the action area considered in this biological opinion. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act.

The Service is not aware of any future non-Federal actions currently planned specifically in the action area that will further directly affect the San Joaquin kit fox or remove or disturb its habitat.

Conclusion

Conservation measures set forth for implementation before, during, and following project work; project design modifications; and the SHP, which is intended to address the collective effects resulting from this and five other TRIP projects in the metro-Bakersfield area, will all serve to minimize both program- and project-level effects and the extent of take associated with the San Joaquin kit fox. After reviewing the current status of the San Joaquin kit fox, the environmental baseline for the action area for the species, the effects of the proposed project on the species, and the cumulative effects, it is the Service’s biological opinion that the project, as proposed, is not likely to jeopardize the continued existence of the San Joaquin kit fox.

INCIDENTAL TAKE STATEMENT

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harass is defined by FWS regulations at 50 CFR 17.3 as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. Harm is defined by the same regulations

Mr. Javier Almaguer

19

as an act which actually kills or injures wildlife. Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavior patterns, including breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this Incidental Take Statement.

The measures described are nondiscretionary, and must be undertaken by Caltrans for the exemption in section 7(o)(2) to apply. Caltrans has a continuing duty to regulate the activity covered by this incidental take statement. If Caltrans (1) fails to assume and implement the terms and conditions, or (2) fails to require any of its contractors to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the permit or grant document, the protective coverage of section 7(o)(2) may lapse. In order to monitor the impact of incidental take, Caltrans must report the progress of the action and its impact on the species to the Service as specified in the incidental take statement. [50 CFR §402.14(i)(3)].

**Amount or Extent of Take**

It is infeasible for the Service to quantify the exact number of San Joaquin kit foxes that will be taken as a result of the proposed action because the number of individuals in the action area is unknown and estimates of population density in the action area are unavailable. In instances in which the number of individuals that may be taken cannot be determined, the Service may quantify take in the amount of lost or disturbed habitat as a result of the project action; since take is expected to result from these effects to habitat, the quantification of habitat becomes a direct surrogate for the species that will be taken. Therefore, the Service anticipates take incidental to the project as the 76.83 ac of suitable San Joaquin kit fox habitat that will be lost and disturbed. Dens may be destroyed as a result of project construction and a small number of dens could also be disturbed by activities associated with the SHP. Upon implementation of the *Reasonable and Prudent Measures, Terms and Conditions*, and the *Proposed Avoidance and Minimization Measures* considered herein, incidental take within this acreage in the form of harm due to new freeway construction, freeway and intersection improvements, sump activities, and other associated construction work leading to habitat loss and disturbance, as well as den excavation and destruction; and in the form of injury and mortality due to vehicle strikes on the new freeway, will become exempt from the prohibitions described under section 9 of the Act.

**Effect of the Take**

The Service has determined that the level of anticipated take is not likely to jeopardize the continued existence of the San Joaquin kit fox.

Mr. Javier Almaguer

20

**Reasonable and Prudent Measures**

The following reasonable and prudent measure is necessary and appropriate to minimize the effects of the proposed action on the San Joaquin kit fox.

1. All of the conservation measures proposed in the BA, the Draft SHP Plan, the *Project Description*, and as supplemented and modified in the Terms and Conditions below, must be fully implemented.

**Terms and Conditions**

In order to be exempt from the prohibitions of section 9 of the Act, Caltrans, the City, as well as any contractor acting on the City's behalf, must comply with the following Terms and Conditions, which implement the reasonable and prudent measure described above. These Terms and Conditions are nondiscretionary.

The following Terms and Conditions implement Reasonable and Prudent Measure one:

1. Caltrans shall be responsible for implementing all measures described in this biological opinion. Term and Condition 3.b., which applies to contractor activities, shall be conditioned in contracts for the work.
2. In order to promote both effective communication and implementation of the terms and conditions, the lead Service-approved biologist shall meet weekly with the Resident Engineer and contractor to review the week's upcoming ground-disturbing activities - including any possible changes from the project as analyzed in this biological opinion - as well as the measures that will be implemented to minimize effects to listed species. These meetings shall be documented and reported every two weeks to Caltrans; Caltrans in turn will report this information to the Service, as described in Term and Condition 3a.
3. In order to monitor whether the amount or extent of incidental take anticipated from implementation of the project is approached or exceeded, Caltrans shall adhere to the following reporting requirements. Should this anticipated amount or extent of incidental take be exceeded, Caltrans must immediately reinitiate formal consultation as per 50 CFR 402.16.
  - a. For those components of the action that will result in habitat loss or degradation whereby incidental take in the form of harm is anticipated, Caltrans shall provide updates every two weeks to the Service with a precise accounting of the total acreage of habitat affected and the number of dens lost. Updates also shall include any information about changes in project implementation that result in habitat disturbance or other effects to the species not described in the *Project Description* and not analyzed in this biological opinion.
  - b. For those components of the action that result in direct encounters between listed species and project workers and their equipment whereby incidental take in the

Mr. Javier Almaguer

21

form of harassment, harm, injury, or death is likely, Caltrans shall immediately contact the Service’s SFWO at (916) 414-6600 to report the encounter. If an encounter occurs after normal working hours, Caltrans shall contact the SFWO at the earliest possible opportunity the next working day. When injured or killed individuals of the listed species are found, Caltrans shall follow the steps outlined in the *Salvage and Disposition of Individuals* section.

- c. Before construction starts on this project, the Service shall be provided with the final documents related to protection of conservation acres, including MBHCP fee payment of habitat conservation acreage. Easement and endowment documentation for each sump included in the SHP will be established following the approval of the FED for the last of the six TRIP projects. The City will fully fund the SHP within one year of that approval.
- d. A post-construction report detailing compliance with the project design criteria and proposed conservation measures described under the *Project Description* section of this biological opinion shall be provided to the Service within 60 calendar days of completion of the project. The report shall include: (1) dates of project groundbreaking and completion; (2) pertinent information concerning the success of the project in meeting the conservation measures; (3) an explanation of failure to meet such measures, if any; (4) known project effects on the San Joaquin kit fox, if any; (5) observed incidences of injury to or mortality of the San Joaquin kit fox, if any; (6) the number of dens lost, if any; and, (7) any other pertinent information.

Salvage and Disposition of Individuals

In the case of an injured and/or dead San Joaquin kit fox, the Service shall be notified of events within one day and the animal shall be handled only by a Service-approved biologist. Injured animals shall be cared for by a licensed veterinarian or other Service-approved person. In the case of a dead San Joaquin kit fox, the animal shall be preserved, as appropriate, and shall be bagged and labeled (i.e. species type; who found or reported the incident; when the report was made; when and where the incident occurred; and if possible, cause of death). Carcasses shall be held in a secure location, such as a freezer or cooler, until instructions are received from the Service regarding the disposition of the specimen or until the Service, or another appropriate agency or Service-approved person, takes custody of the specimen. Caltrans must report to the Service within one calendar day any information about take or suspected take of federally-listed species not exempted in this opinion. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal. The Service contacts are Daniel Russell, Deputy Assistant Field Supervisor, Endangered Species Program, Sacramento, at (916) 414-6600 and the Service's Law Enforcement Division at (916) 569-8444.

Any contractor or employee who, during routine operations and maintenance activities inadvertently kills or injures a listed wildlife species must immediately report the incident to his

Mr. Javier Almaguer

22

representative at his contracting/employment firm and to Caltrans. This representative must contact the Service within one calendar day.

CONSERVATION RECOMMENDATIONS

Conservation recommendations are suggestions of the Service regarding discretionary measures to minimize or avoid further adverse effects of a proposed action on listed, proposed, or candidate species or on designated critical habitat, or regarding the development of new information. They may also serve as suggestions on how action agencies can assist species conservation in furtherance of their responsibilities under section 7(a)(1) of the Act, or recommend studies improving an understanding of a species' biology or ecology. Wherever possible, conservation recommendations should be tied to tasks identified in recovery plans. The Service is providing you with the following conservation recommendations:

- 1. Caltrans should continue to include culverts, tunnels, or other structures along roads and highways, particularly in core and satellite population areas to allow for the safe passage of the San Joaquin kit fox. Crossing structures contribute to creating safe dispersal corridors for multiple wildlife species, and will help reduce wildlife road mortalities and enhance public safety. Caltrans is encouraged to explore designs and include photos, plans, and other information in its BAs concerning the incorporation of wildlife passageway designs into its projects.
- 2. Caltrans should report new sightings of the San Joaquin kit fox or its dens to the CNDDDB. A copy of the reporting form and a topographic map clearly marked with the location in which the animals were observed also should be provided to the Service.

In order for the Service to be kept informed of actions minimizing or avoiding adverse effects or benefitting listed species or their habitats, the Service requests notification of the implementation of any conservation recommendations.

REINITIATION—CLOSING STATEMENT

This concludes the Service's review of the proposed Centennial Corridor Project, as outlined in your letter. As provided in 50 CFR § 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been maintained or is authorized by law and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or an extent not considered in this biological opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this biological opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action.



Mr. Javier Almaguer

23

Please contact Jen Schofield, Fish and Wildlife Biologist, or Thomas Leeman, Chief, San Joaquin Valley Division, at the letterhead address or at (916) 414-6600 if you have any questions regarding this letter.

Sincerely,



Jennifer Norris  
Field Supervisor

cc:

Annee Ferranti, California Department of Fish and Wildlife, Fresno, California

Mr. Javier Almaguer

24

**Literature Cited**

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**Personal Communications**

Cypher, B.L. 2009a. Research ecologist. Endangered Species Recovery Program, California State Universities, Stanislaus and Bakersfield, California. June 2, 2009 – meeting with Stephanie Coppeto of AECOM to discuss San Joaquin kit fox concentration areas, movement corridors, and potential mitigation for the conceptual strategy.



In Reply Refer to:  
08ESMF00-  
2013-F-0373-R001

## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Suite W-2605  
Sacramento, California 95825-1846



FEB 24 2015

Ms. Dena Gonzalez  
Chief, Central Region Biology Branch  
California Department of Transportation, District 6  
855 M Street, Suite 200  
Fresno, California 93721

Subject: Reinitiation of Formal Consultation for the Centennial Corridor Project (part of the Thomas Roads Improvement Program [TRIP]), City of Bakersfield, Kern County, California (California Department of Transportation EA 06-48460, 06-KERN-58-PM T31.7 to PM 55.6; 06-KERN-99-PM 21.2 to PM 26.2)

Dear Ms. Gonzalez:

This is the U.S. Fish and Wildlife Service's (Service) response to the California Department of Transportation's (Caltrans) request to reinitiate formal consultation on its proposed action to provide Federal oversight of the Centennial Corridor Project (project) in Kern County, California. The project is part of the larger Thomas Roads Improvement Program (TRIP), a cooperative effort among the City of Bakersfield, County of Kern, Kern Council of Governments, and Caltrans. The Service issued a biological opinion to Caltrans on December 20, 2013 (Service file number 08ESMF00-2013-F-0373), which addressed effects to the federally-listed as endangered San Joaquin kit fox (*Vulpes macrotis mutica*). Subsequently, the Service issued a letter on April 16, 2014, which notified Caltrans of several minor errors in the biological opinion and revised these errors (Service file number 08ESMF00-2013-F-0373).

The Moving Ahead for Progress in the 21st Century Act (MAP-21) was signed into law on July 16, 2012. Caltrans was approved to participate in the MAP-21 Surface Transportation Project Delivery Program through the National Environmental Policy Act (NEPA) assignment Memorandum of Understanding (MOU) between the Federal Highway Administration (FHWA) and Caltrans (effective October 1, 2012), as codified in 23 U.S.C. 327. The MOU allows Caltrans to assume the FHWA's responsibilities under NEPA as well as FHWA's consultation and coordination responsibilities under Federal environmental laws for the majority of transportation projects in California.

Your initial October 10, 2014 letter was received in this office on October 17, 2014. In this letter, you requested to reinitiate consultation and to amend the biological opinion to address the impacts on the San Joaquin kit fox from additional construction activities associated with the installation of permanent soundwalls and the use of temporary k-rail barriers. Following further project discussion between Caltrans and the Service, Caltrans sent a revised letter, dated January 28, 2015, and received in our office on February 2, 2015, in which it 1) clarified its request to reinitiate consultation;

Ms. Dena Gonzalez

2

2) modified its discussion of temporary k-rail; and 3) modified its proposed avoidance and minimization measures in regard to k-rail design.

This response was prepared in accordance with section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

In reviewing the request, the Service has relied upon: (1) Caltrans' October 10, 2014, letter and supporting documents (e.g. maps, design plans); (2) the Service's December 20, 2013 biological opinion; (3) email and telephone correspondence between Caltrans and the Service; (4) Caltrans' January 28, 2015, revised letter; and (5) other information available to the Service.

The following section supplements the information presented in the **Proposed Project** on pages 6-8 of the December 20, 2013 biological opinion and pertains to Caltrans' proposed addition of new construction activities:

Caltrans proposes to install approximately 42,000-feet (ft.) of new soundwalls, and to replace, in-kind, just under 4,000-ft. of existing soundwalls at various locations along the project's extent. These noise attenuation structures are generally installed in areas adjacent to high-density residential neighborhoods where road noise is expected to cause significant disturbance to residents. The structures also will serve to keep children and pets in these residential neighborhoods from accessing the busy roadways. Caltrans' proposed soundwall activities will take place in residential areas located 1) between the southern end of the new Westside Parkway/Truxtun Avenue intersection and the State Route (SR) 99/SR 58 intersection (i.e., the new Centennial Corridor alignment); 2) between the SR 99/SR 58 intersection and Cottonwood Road at the eastern end of the project area; and 3) between the SR 99/SR 58 intersection and Wilson Road at the southern end of the project area. The soundwalls that are due to be replaced in-kind will be situated at the southern end of the project area, along a segment of SR 99 between Ming Avenue and SR 58.

Caltrans expects to use temporary concrete k-rail barriers during construction. K-rail is a common traffic control safety measure used to separate the construction areas from roadways and vehicle traffic. These barrier structures will be present for the duration of construction but will be removed once the project is completed.

The following section supplements the information presented in the Proposed Avoidance and Minimization Measures on pages 8-13 of the December 20, 2013 biological opinion, and pertains to the additional conservation measures Caltrans has proposed to minimize the effects to the San Joaquin kit fox from the installation of k-rail on-site:

- Caltrans will install modified k-rail barriers that facilitate San Joaquin kit fox movement and passage across the roadways. Openings in the barriers will be spaced every seven segments of k-rail; segments are 20-ft. long, so intervals will be spaced approximately every 140-ft. One, or a combination, of two design options will be implemented. Designs include:
  - A Modified Type K segment with one 8-inch diameter hole cast or bored into a typical rail segment.
  - A Type L passageway that off-sets a segment of k-rail via a gap measuring between 8-inches and 5-ft.

Ms. Dena Gonzalez

3

Caltrans acknowledges that the aforementioned designs are only temporary solutions for addressing the issues of roadway permeability and wildlife passage; over the long-term, Caltrans will commit to conducting crash-test and safety studies on alternative design options in order to provide the most effective solutions for addressing San Joaquin kit fox movement across the roadscape.

The following section supplements the information presented in the **Effects of the Proposed Action** on pages 16-18 of the December 20, 2013 biological opinion, and pertains to the evaluation of effects from the proposed installation of soundwalls and temporary k-rail barriers:

Soundwall installation (including both the addition of new soundwalls and the replacement in-kind of existing soundwalls) will be restricted to high-density residential areas where the San Joaquin kit fox is less likely to occur. These areas normally would have (or already have) impermeable fencing due to the safety issues associated with placing residential neighborhoods adjacent to busy roadways with high traffic speeds and volumes. Therefore, Caltrans does not expect new soundwall installation to create additional barriers to San Joaquin kit fox movement; neither is this activity likely to contribute to an increase in habitat fragmentation for the species. In fact, the project area contains a number of existing movement corridors that Caltrans believes will facilitate connectivity in the landscape for the San Joaquin kit fox; there are 18 potential crossing features, six of which are associated with the SR 58 Gap Closure Project (EA 06-0G850), which overlaps with a portion of the Centennial project area (eastern side), and three of which are associated with the Westside Parkway Project (EA 06- 48460), which also overlaps with a portion of the Centennial project area (western side). Potential crossing features include road, railroad, and canal under-crossings; culverts at irrigation canals; and bridges. The distance between these crossing features ranges between 600-ft. and 2,500-ft.

The k-rail barriers proposed for use throughout the project area as a means of temporary traffic control and safety are likely to prevent the San Joaquin kit fox from making successful road crossings. The San Joaquin kit fox is reasonably likely to occur in and/or use the action area given that 1) the action area is located within the San Joaquin kit fox Metropolitan Bakersfield satellite recovery area (Service, 2010)<sup>1</sup>; 2) habitat within the action area contains areas of suitable non-native grasslands, ruderal lands, and agricultural lands for the species; and 3) potential dens and San Joaquin kit fox sign have been found within the action area. Those individuals traversing the project area are therefore at high risk of encountering a k-rail barrier and becoming trapped between it and the roadway. Consequently, they are likely to end up being injured or killed by vehicles. Caltrans will reduce this risk by modifying the k-rail design to include one, or a combination, of two types of passageways. Openings will be situated at 140-ft. intervals, thereby continuing to provide a degree of roadway permeability and a means for the San Joaquin kit fox potentially to move through the barrier.

On page 19 of the December 20, 2013 biological opinion, the **Amount or Extent of Take** is being modified as follows. Segments of new text are shown by an underline:

It is infeasible for the Service to quantify the exact number of San Joaquin kit foxes that will be taken as a result of the proposed action because the number of individuals in the action area is unknown and estimates of population density in the action area are unavailable. In instances in which the number of individuals that may be taken cannot be determined, the

<sup>1</sup> U.S. Fish and Wildlife Service. 2010. San Joaquin Kit Fox (*Vulpes macrotis mutica*) 5-Year Review: Summary and Evaluation. Sacramento Fish and Wildlife Office, Sacramento, California. 122 pp.

Ms. Dena Gonzalez


4

Service may quantify take in the amount of lost or disturbed habitat as a result of the project action; since take is expected to result from these effects to habitat, the quantification of habitat becomes a direct surrogate for the species that will be taken. Therefore, the Service anticipates take incidental to the project as the 76.83 ac of suitable San Joaquin kit fox habitat that will be lost and disturbed. Dens may be destroyed as a result of project construction and a small number of dens could also be disturbed by activities associated with the SHP. Upon implementation of the *Reasonable and Prudent Measures, Terms and Conditions*, and the *Proposed Avoidance and Minimization Measures* considered herein, incidental take within this acreage in the form of harm due to new freeway construction, freeway and intersection improvements, sump activities, and other associated construction work leading to habitat loss and disturbance, as well as den excavation and destruction; and in the forms of injury and mortality due to vehicle strikes stemming from traffic on the new freeway and from the presence of permeable temporary barrier structures, will become exempt from the prohibitions described under section 9 of the Act.

Reinitiation – Closing Statement

The conclusion of the jeopardy analysis for the December 20, 2013 biological opinion, and the April 16, 2014 notification letter, is unchanged: the action is not likely to jeopardize the continued existence of the San Joaquin kit fox. This concludes the reinitiation of formal consultation for the Centennial Corridor Project. As provided in 50 CFR § 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been maintained or is authorized by law and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action.

Please contact Jen Schofield, Wildlife Biologist, or Thomas Leeman, Chief, San Joaquin Valley Division, at (916) 414-6600 if you have any questions regarding this letter.

Sincerely,  
  
Kenneth Sanchez  
Assistant Field Supervisor

cc:  
Craig Bailey, California Department of Fish and Wildlife, Fresno, California





In Reply Refer to:  
08ESMF00-  
2013-F-0373-R001

## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Suite W-2605  
Sacramento, California 95825-1846



JUL 30 2015

Mr. Javier Almaguer  
Chief, Central Region Biology Branch - Environmental Stewardship  
California Department of Transportation, District 6  
855 M Street, Suite 200  
Fresno, California 93721

Subject: Amendment to the Biological Opinion for the Centennial Corridor Project (part of the Thomas Roads Improvement Program [TRIP]), City of Bakersfield, Kern County, California (California Department of Transportation 06-KERN-58-PM T31.7 to PM R55.6; 06-KERN-99-PM 21.2 to PM 26.2; EA 06-48460)

Dear Mr. Almaguer:

This is the U.S. Fish and Wildlife Service's (Service) response to the California Department of Transportation's (Caltrans) request to amend the biological opinion for the proposed Centennial Corridor Project (project) in Kern County, California. The original biological opinion (Service file number 08ESMF00-2013-F-0373) was issued to Caltrans on December 20, 2013 and addressed effects to the federally-listed as endangered San Joaquin kit fox (*Vulpes macrotis mutica*). The Service issued a reinitiated biological opinion to Caltrans on February 24, 2015 (Service file number 08ESMF00-2013-F-0373-R001), which addressed impacts to the species from additional construction activities associated with the proposed installation of permanent soundwalls and the use of temporary k-rail barriers.

The Moving Ahead for Progress in the 21st Century Act (MAP-21) was signed into law on July 16, 2012. Caltrans was approved to participate in the MAP-21 Surface Transportation Project Delivery Program through the National Environmental Policy Act (NEPA) assignment Memorandum of Understanding (MOU) between the Federal Highway Administration (FHWA) and Caltrans (effective October 1, 2012), as codified in 23 U.S.C. 327. The MOU allows Caltrans to assume the FHWA's responsibilities under NEPA as well as FHWA's consultation and coordination responsibilities under Federal environmental laws for the majority of transportation projects in California.

Your letter requesting to amend the biological opinion, dated July 17, 2015, was received in this office on July 23, 2015. In this letter, you proposed to eliminate implementation of one of the minimization measures from a portion of the project encompassing State Route (SR) 58 from PM R52.3 to R55.4, and SR 99 from PM 22.1 to 22.7; the minimization measure at issue pertains to the installation of modified temporary k-rail barriers. Caltrans instead proposes to install standard temporary k-rail structures without any openings between the aforementioned postmiles (described as the segment of SR 58 extending from SR 99 eastwards to Cottonwood Road, and the segment of SR 99 from Wilson Road to just north of Ming Avenue).

This document has been prepared in accordance with section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. § 1531 *et seq.*) (Act).

Mr. Javier Almaguer

In reviewing the request, the Service has relied upon: (1) Caltrans' July 17, 2015 amendment request letter; (2) the Service's original biological opinion and reinitiated biological opinion; (3) information discussed and documents received at a July 14, 2015 meeting attended by Caltrans, the City of Bakersfield, and the Service; (4) email and telephone correspondence between Caltrans and the Service; and (5) other information available to the Service.

On pages 2-3 of the February 24, 2015 reinitiated biological opinion, the bulleted conservation measure, as noted below, is now removed from the *Proposed Avoidance and Minimization Measures*. However, this removal applies only to a specific portion of the project, defined by Caltrans as the segment of SR 58 from SR 99 to Cottonwood Road, and the segment of SR 99 from Wilson Road to just north of Ming Avenue. Implementation of this measure for the rest of the project area remains unchanged:

- Caltrans will install modified k-rail barriers that facilitate San Joaquin kit fox movement and passage across the roadways. Openings in the barriers will be spaced every seven segments of k-rail; segments are 20-ft. long, so intervals will be spaced approximately every 140-ft. One, or a combination, of two design options will be implemented. Designs include:
  - A Modified Type K segment with one 8-inch diameter hole cast or bored into a typical rail segment.
  - A Type L passageway that off-sets a segment of k-rail via a gap measuring between 8-inches and 5-ft.

Caltrans acknowledges that the aforementioned designs are only temporary solutions for addressing the issues of roadway permeability and wildlife passage; over the long-term, Caltrans will commit to conducting crash-test and safety studies on alternative design options in order to provide the most effective solutions for addressing San Joaquin kit fox movement across the roadscape.

The following section supplements the information presented in the **Effects of the Proposed Action** on page 3 of the February 24, 2015 reinitiated biological opinion, and refers to the evaluation of effects to the San Joaquin kit fox from the removal of the proposed measure to install modified temporary k-rail barriers along the portion of the project defined as the segment of SR 58 from SR 99 to Cottonwood Road, and the segment of SR 99 from Wilson Road to just north of Ming Avenue:

Caltrans' rationale behind its proposal to remove the measure pertaining to the installation of modified temporary k-rail from a specific portion of the project (i.e., along SR 58 from PM R52.3 to R55.4 and along SR 99 from PM 22.1 to 22.7) is based on several reasons:

- 1) Eighteen months of continuous daily monitoring was conducted for a separate project called the SR 58 Gap Closure Project; this project shared the same SR 58 postmiles as those referenced above. Because the monitoring results indicated that no San Joaquin kit foxes or associated sign were present during this extended period, the species is unlikely to occur in the same area during construction for the current project.
- 2) SR 58 is an elevated roadway, which reduces the likelihood that the species will access the area.



Mr. Javier Almaguer

3

- 3) There are existing corridor features within the project area, including a railroad, canals, and below-grade streets that provide potential movement and crossing opportunities for the San Joaquin kit fox.
- 4) The existing permanent median barrier along SR 99 does not contain any openings conducive to passage by the species; consequently, the installation of openings in modified temporary k-rail structures would be ineffective at minimizing the risk to the species since these holes would result in the San Joaquin kit fox being able to access the road corridor and becoming trapped by the impermeable median barrier. Ultimately, this would increase the risk to the species of being struck by a vehicle and injured or killed.
- 5) There are additional physical barriers, such as soundwalls and chain-link fencing situated along the tops of the freeway embankments. Consequently, the installation at grade-level of modified k-rail barriers would not be an effective minimization measure given the pre-existing impediments to San Joaquin kit fox access and movement into the road corridor.

Given these aforementioned reasons, Caltrans has concluded that eliminating implementation of the proposed measure to install modified temporary k-rail structures along the segment of SR 58 from SR 99 to Cottonwood Road, and along the segment of SR 99 from Wilson Road to just north of Ming Avenue is not expected to increase the amount or extent of take of the San Joaquin kit fox.

#### Reinitiation – Closing Statement

The conclusion of the jeopardy analysis for the December 20, 2013, biological opinion and for the February 24, 2015 reinitiated biological opinion is unchanged: the proposed project is not likely to jeopardize the continued existence of the San Joaquin kit fox. This concludes the amendment to the biological opinion for the Centennial Corridor Project. As provided in 50 CFR § 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been maintained or is authorized by law and:

- (a) If the amount or extent of taking specified in the incidental take statement is exceeded;
- (b) If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered;
- (c) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion; or
- (d) If a new species is listed or critical habitat designated that may be affected by the identified action.

If you have any questions regarding this letter, please contact Jen Schofield, Wildlife Biologist ([Jen\\_Schofield@fws.gov](mailto:Jen_Schofield@fws.gov)), or Thomas Leeman, Chief, San Joaquin Valley Division ([Thomas\\_Leeman@fws.gov](mailto:Thomas_Leeman@fws.gov)), at the letterhead address, at (916) 414-6600, or by e-mail.

Sincerely,



Kenneth Sanchez  
Assistant Field Supervisor

cc:

Craig Bailey, California Department of Fish and Wildlife, Fresno, CA

## Appendix J Key Correspondence

Throughout the coordination process, Caltrans has received correspondence from several agencies regarding the project. The information in this correspondence is reflected in the environmental document. The correspondence is listed below and provided in Appendix J:

- **Appendix J-1:** Faxed letter from California Department of Fish and Game, Central Region (September 1, 2009). The letter is a response to Caltrans' invitation to the Centennial Corridor Project Agency Coordination Meeting held on August 26, 2009. The letter provides a written summary of California Department of Fish and Game outstanding concerns related to the project.
- **Appendix J-2:** Letter from Metropolitan Bakersfield Habitat Conservation Plan (December 3, 2010). The letter states that the Trust Group concurs with the use of the Metropolitan Bakersfield Habitat Conservation Plan for compensatory mitigation required by the U.S. Fish and Wildlife Service and California Department of Fish and Game.
- **Appendix J-3:** Letter to Office of Historic Preservation, Department of Parks and Recreation, State Historic Preservation Officer (February 15, 2013). The letter initiates consultation with the State Historic Preservation Officer.
- **Appendix J-4:** Email from Santa Rosa Rancheria Tachi Yokut Tribe (March 6, 2013). The email was sent to consult with Caltrans on the Project.
- **Appendix J-5:** Letter from Office of Historic Preservation, Department of Parks and Recreation, State Historic Preservation Officer (April 15, 2013). This is the letter of concurrence from the State Historic Preservation Officer.
- **Appendix J-6:** Letter to United States Fish and Wildlife Service (April 15, 2013). The letter is requesting formal project-specific Section 7 consultation for the San Joaquin kit fox.
- **Appendix J-7:** Letter from Office of Historic Preservation, Department of Parks and Recreation, State Historic Preservation Officer (April 10, 2014). The letter provides the following two comments to the finding of No Adverse Effect: (1) it appears that Caltrans has not completed their archaeological resources identification and is extending further archaeological studies until a Preferred

Alternative is selected; and (2) a proposed sound wall results in a visual intrusion to the Rancho Vista Historic District that would be out of character with the neighborhood.

- **Appendix J-8:** Letter from State of California, Department of Transportation, Division of Environmental Analysis (April 18, 2014). The letter is a response to the two comments provided in the letter from the Office of Historic Preservation, Department of Parks and Recreation, State Historic Preservation Officer, dated April 10, 2014.


In response to the first comment that Caltrans has not completed their archaeology identification and is extending further archaeological studies until a Preferred Alternative is selected, Caltrans understands that the State Historic Preservation Officer could not concur with the finding of no adverse effect on archaeological resources until the identification phase of the Section 106 process has been completed. While the pedestrian survey did not identify any archaeological resources to be within the archaeological Area of Potential Effect, Caltrans proposed that it carry out a two-stage Extended Phase I archaeological survey. The first stage was completed and submitted to the State Historic Preservation Officer as part of the Historic Property Survey Report in February 2013. As presented to the State Historic Preservation Officer, the second stage was undertaken for the Preferred Alternative, which focused on the potential presence of archaeological resources in sensitive soils and sediments. This report was incorporated as part of a Supplemental Historic Property Survey Report prepared by Caltrans and submitted to the State Historic Preservation Officer in March 2015.

In response to the second comment that a proposed structure results in a visual intrusion to the Rancho Vista Historic District and would result in an adverse effect to the historic district, Caltrans has concluded that the elevated structure, though located outside of the Rancho Vista Historic District boundaries, would constitute a visual intrusion and diminish the historic property's setting. This would create an adverse effect as defined by 36 CFR 800.5. As a result, Caltrans developed a Memorandum of Agreement with SHPO and other consulting parties to resolve the adverse effects by minimizing or eliminating the adverse visual effects on the historic property, as discussed further below (Appendix J-11).

- **Appendix J-9:** Letter from Department of the Army, U.S. Army Engineer District, Sacramento, Corps of Engineers (August 7, 2014). This is a comment letter on the Centennial Corridor Project Draft Environmental Impact Report/Environmental Impact Statement that was received after the public comment period closed on July 8, 2014. The letter is provided and discussed further as comment F-3 in Volume 3, Responses to Comments of the Final Environmental Impact Report.
- **Appendix J-10:** Farmland Conversion Impact Rating for Corridor Type Projects form (NRCS-CPA-106) sent to the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) on September 18, 2013. Submittal of the form to the NRCS local Field Office is a requirement when Federal agencies or Federally funded projects propose projects that may convert farmland that is subject to the Farmland Protection Policy Act to nonagricultural uses. The NRCS completed the form and returned it on September 25, 2013.
- **Appendix J-11:** Memorandum of Agreement between Caltrans and the State Historic Preservation Officer Regarding the Centennial Corridor Project, city of Bakersfield, Kern County, California. The Memorandum of Agreement (MOA) identifies that Caltrans has determined that the Centennial Corridor Project will have an adverse effect on the Rancho Vista Historic District, a property determined to be eligible for inclusion in the National Register of Historic Places (NRHP). The MOA identifies stipulations for the treatment for historic properties that will be affected, including the Area of Potential Effects, Treatment of Historic Properties, Treatment of Human Remains of Native American Origin, and Post-Review Discoveries and Unanticipated Effects. The signatory parties to the MOA are the Caltrans Division of Environmental Analysis Chief, Katrina Pierce (signed on December 24, 2014), and the State Historic Preservation Officer (signed on January 6, 2015). The concurring parties to the MOA are Caltrans, District 6 (signed on January 7, 2015) and the city of Bakersfield (signed on January 9, 2015).

**J-1: Faxed letter from California Department of Fish and Game**

09-01-09 12:31 FROM:DFG 559 2433004 T-697 P.001/007 F-627

 **FACSIMILE LEADER PAGE**  
California Department of Fish and Game  
Central Region  
Region 4  
1234 East Shaw Avenue  
Fresno, California 93710  
INFO (559) 243-4017 FAX (559) 243-3004

DATE: 9/1/09 PAGE 1 OF 7  
TO: Kristen Helton  
Caltrans, District 6  
FAX: (559) 243-8210 PHONE: \_\_\_\_\_  
FROM: Laura Peterson-Diaz  
INSTRUCTIONS: Original to follow by mail.

09-01-09 12:31 FROM-DFG  
  
 DEPARTMENT OF FISH AND GAME  
 Central Region  
 1234 East Shaw Avenue  
 Fresno, California 93710  
 (559) 243-4005  
 http://www.dfg.ca.gov

559 2433004

T-697 P.002/007 F-627  
 DONALD KOCH, Director



September 1, 2009

Kirsten Helton  
 California Department of Transportation, District 6  
 2015 East Shields Avenue, Suite 100  
 Fresno, California 93726

Subject: Invitation to the Centennial Corridor Project Agency Coordination Meeting  
 06-KER 58 Alignment EA 06-48460

Dear Ms. Gassner:

This letter is in response to your invitation to the Centennial Corridor Project Agency Coordination Meeting on August 26, 2009, at 10:00 AM via webinar hosted by Caltrans. As discussed during that meeting, the following provides a written summary of our outstanding concerns related to this Project.

It appears that the major focus is on the segment to the east of the Westside Parkway Segment. However, the Department of Fish and Game (DFG) remains significantly concerned that the Western Segment at the junction with Interstate 5 (I5) continues to show the alignment through Kern Water Bank Authority's Kern Water Bank. The Biological Services Study Plan sent with the invitation to the webinar states that the Western Segment and the Westside Parkway portions of the Project have been addressed in previous environmental documents, pursuant to the California Environmental Quality Act (CEQA) and National Environmental Protection Act (NEPA), and that the Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) will incorporate by reference these previous two documents:

- Final Route 58 Adoption Project, a Tier 1 EIS/EIR, 2002 (SR 58 EIR)
- Westside Parkway Environmental Assessment/ Final EIR, 2006 (Westside Parkway EIR)

Further, for these two segments of the Project, the analysis in the Centennial Corridor EIR/EIS will serve as a **revalidation of the previous documents**. New information will be provided to the extent necessary to ensure the environmental record is reflective of the current conditions.

Given the information provided in our previous comment letter, it is not appropriate to simply "revalidate the previous documents"; the State Route (SR) 58 EIR failed to accurately present the conditions that were present in 2002 and as a result, the associated potential Project-related impacts were not adequately characterized nor disclosed. Impacts to the Kern Water Bank are erroneously described as Agricultural lands in Table 4-5 of the SR 58 EIR, which includes the potential impacts with "Terrestrial Vegetation" and does not include wetlands. Figure 3-7 of the SR 58 EIR is a map of "Terrestrial Vegetation Types" and despite the notation on the Map,

*Conserving California's Wildlife Since 1870*

09-01-09 12:32 FROM-DFG

559 2433004

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Kirsten Helton  
 September 1, 2009  
 Page 2

which says "Land cultivated prior to 1987, but converted to recharge basins; managed by Kern Water Bank Authority" the area is still given dots which the Legend identifies as "Agricultural Land (indicates land **currently** in cultivation)". (Emphasis added.) This is incorrect and does not reflect the conditions that were present in 2002 or the existing conditions.

On October 20, 2008, DFG commented on the Notice of Preparation (NOP) for the Centennial Corridor Project in a letter also addressed to Sarah Gassner, representing the City of Bakersfield. Some of DFG's comments provided in the October 2008 letter are reiterated in this comment letter. DFG has significant concerns with the single alternative identified for the western portion of the alignment, which traverses through the Kern Water Bank. The lands and wetlands within the Kern Water Bank are critically important in a regional conservation and recovery context for many threatened and endangered species and other wildlife. As a result, we feel that implementation of the western portion of this Project in the currently proposed location is ill advised and should not proceed as proposed. We recommend reconsideration of one or more alternate Project locations that would not impact the Kern Water Bank.

The Kern River alignment is no longer even shown as an alternative. The only route shown on the map at the western end of the Project is the Cross Valley Canal Option, which cuts through the Kern Water Bank. While the Kern River Alternative could result in impacts to a small isolated piece of Valley Saltbush Scrub/Valley Sink Scrub (Scrub), these impacts would be minor in comparison to the significant impacts that would occur to Kern Water Bank with the currently identified preferred alternative. In addition, the impacts to the Scrub habitat associated with the Kern River Alternative could be minimized by making slight alterations to the design shown in Figure 3-8. For example, the northbound I5 off-ramp could be moved just a bit farther east, outside the Scrub habitat. In addition, much of the disturbed Scrub identified in Figure 3-8 west of I5 has already been converted to irrigated agriculture since the Alternatives analysis was conducted. Another Alternative which does not seem to have been given full consideration is connecting to the current Stockdale Highway just west of SR 43, which would only require a single-lane overpass.

DFG has concerns regarding the potential discharge of storm water runoff from the proposed Cross Valley Canal Option. A highway through the wetlands present on Kern Water Bank could result in hazardous substances such as oil, other petroleum products, antifreeze, coolant, and heavy metals entering the wetlands from the roadway. Further, a letter from the Kern Water Bank Authority to Caltrans on July 9, 2008, indicated that not only would the proposed Project impact sensitive and threatened plant and animal species protected by the Kern Water Bank Authority Habitat Conservation Plan (HCP)/Natural Communities Conservation Plan (NCCP), but also that this alternative would also impact ground water recharge, recovery, and water quality. The permeable nature of the soils in this area, which make the area particularly suitable for ground water recharge, also means that the area would be extremely susceptible to contaminants associated with vehicles and roadways. The EIR/EIS prepared for this Project should address this potential significant threat to water quality.

**Wetlands and Water Quality:** On page 4-28, the Westside Parkway EIR states that the United States Army Corps of Engineers (ACOE) was informed that the preferred Alternative for SR 58, the Kern River alignment, did not cross any jurisdictional wetlands. The ACOE responded that



09-01-09 12:32 FROM-DFG 559 2433004 T-697 P.004/007 F-627

Kirsten Helton  
September 1, 2009  
Page 3

a Nationwide Permit 14 would likely be required and 404 coordination would not be applicable. However, Figure 3-8 of the SR 58 EIR, which is entitled "Impacts to Potential Jurisdictional Wetlands", indicates that the southbound I5 off-ramp would impact potential jurisdictional wetlands. It is unclear whether this was considered when the ACOE was told that the Kern River alignment did not cross any jurisdictional wetlands, or whether the term Kern River alignment was erroneously used when referring to the Cross Valley Canal Option. Prior to the 1997 letter saying the NEPA 404 process would not be applicable, a letter from the ACOE dated October 30, 1995, states "since the project would affect wetlands, a special aquatic site, your assessment that the NEPA/404 MOU would not apply is incorrect. The procedures described in that MOU would have to be followed."

Regardless of the conflicting wetland and associated permitting issues described above, it appears that the portion of the Project alignment west of SR 43 would cross approximately 1.5 miles of recharge ponds within the Kern Water Bank, which are functional wetlands.

**Riparian Habitat and Wetlands:** Riparian habitat is of extreme importance to a wide variety of plant and wildlife species. Riparian habitat and wetlands are present along the Kern River as well as throughout the Kern Water Bank. DFG considers projects that impact these resources as significant if they result in a net loss of acreage or habitat value. DFG has a no-net-loss policy regarding impacts to wetlands. Potential impacts to special status resources posed by wetland creation should also be considered. Wetlands that have been inadvertently created by leaks, dams or other structures, or failures in man-made water systems are not exempt from this policy. Wetlands should be designated on a site map and included in the final environmental documents, and the size of the buffers should be clearly delineated both on the map and in the text of the mitigation measures.

Portions of Kern Water Bank, once farmed, have been returned to seasonal wetlands and upland habitat that were present in that area historically. Water from the Kern River, the State Water Project, and other sources are used to periodically flood portions of Kern Water Bank. Prior to agricultural development in the area encompassed by the Kern Water Bank, much of the land was regularly flooded by Kern River flood flows. The area is unique in California in its ability to absorb water at an extremely high rate and to retain it in aquifers. Approximately 4,700 acres of Kern Water Bank are used for recharge basins, which are managed in a way that provides high quality wetland habitat, a rare resource in the southern San Joaquin Valley. It is these wetlands that would not only be directly impacted by the highway footprint, but would also be severed and made disjunct by the placement of the preferred alternative through Kern Water Bank. Under the HCP/NCCP, the remainder of the Kern Water Bank is managed as habitat for threatened and endangered species, and a portion of this habitat is operated as a conservation bank, which sells credits to third parties to mitigate the impacts of their projects to threatened and endangered species, such as San Joaquin kit fox and Tipton kangaroo rat. Caltrans has utilized this conservation bank to compensate for impacts to threatened and endangered species associated with other projects. Conservation Easements are recorded in favor of DFG on the Conservation Bank portion of Kern Water Bank. Implementation of the Cross Valley Canal Option, would require condemnation of parcels with State Conservation Easements on them.

09-01-09 12:32 FROM-DFG 559 2433004 T-697 P.005/007 F-627

Kirsten Helton  
September 1, 2009  
Page 4

**Conflicts with HCPs and NCCPs:** As noted above, the Kern Water Bank is covered by an HCP and NCCP. We do not believe that the proposed Project is compatible with these plans, and that the Project as proposed would result in conflicts with these plans.

In addition, the Cheng parcel (T30S, R24E, NW ¼ S4 and N ½ S5) was acquired with both Valley Floor Habitat Conservation Plan (VFHCP) implementation funding as well as with mitigation funding from the California Department of Water Resources to offset impacts to threatened and endangered species associated with construction of Coastal Aqueduct Phase II. This parcel supports good quality saltbush scrub habitat. The VFHCP is not yet finalized, but the initial habitat acquisitions associated with the VFHCP are important for finalization. It is unclear from the figure included in the NOP whether or not the Cheng parcel is within the Project footprint. If it is not within the Project footprint it is likely immediately adjacent to the new highway alignment, and this mitigation parcel, which is to be managed in perpetuity for the purposes of threatened and endangered species conservation, will be impacted.

**Section 4(f) Consideration:** Section 4(f) of the Department of Transportation Act of 1966, codified in Federal law at 49 U.S.C.A. Section 303, declares that "It is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites." The SR 58 EIR, by describing the Kern Water Bank lands which would potentially be impacted by this Project as agricultural lands, incorrectly dismisses the potential for these lands to be considered under Section 4(f) as wetlands and/or as a wildlife and waterfowl refuge. However, both of these designations are quite applicable to the Kern Water Bank lands which would be impacted by the only identified alternative on this portion of the alignment, the Cross Valley Canal Option.

Section 4(f) specifies that "The Secretary [of Transportation] may approve a transportation program or project...requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if: (emphasis added)

- (1) There is no prudent and feasible alternative to using that land; and
- (2) The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use."

Section 4(f) further requires consultation with the Department of the Interior and, as appropriate, the involved offices of the Departments of Agriculture and Housing and Urban Development in developing transportation projects and programs which use lands protected by section 4(f).

There are prudent and feasible alternatives to going through the Kern Water Bank, so to comply with Section 4(f) of the Department of Transportation Act, the Cross Valley Canal Option should not move forward as the route adopted for the "established alignment".

09-01-09 12:32 FROM-DFG 559 2433004 T-697 P.007/007 F-627

Kirsten Helton  
September 1, 2009  
Page 6

cc: Tim Kuhn  
United States Fish and Wildlife Service  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846

Kate Dadey  
San Joaquin Valley Office  
United States Army Corps of Engineers  
1325 J Street  
Sacramento, California 95814-2922

Regional Water Quality Control Board  
Central Valley Region  
1685 E Street  
Fresno, California 93706-2020

Zachary Parker  
California Department of Transportation, District 6  
2015 East Shields Avenue, Suite 100  
Fresno, California 93726

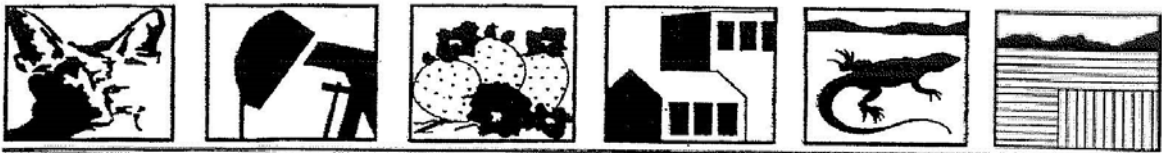
Kern Water Bank Authority  
1620 Mill Rock Way, Suite 500  
Bakersfield, California 93311

Ted James, AICP, Director  
Kern County Planning Department  
Public Services Building  
2700 "M" Street, Suite 100  
Bakersfield, California 93301-2370

Stanley C. Grady, Development Services Director  
City of Bakersfield  
1715 Chester Avenue  
Bakersfield, California 93301

cc: Laura Peterson-Diaz  
Department of Fish and Game

J-2: Letter from Metropolitan Bakersfield Habitat Conservation Plan



METROPOLITAN BAKERSFIELD HABITAT CONSERVATION PLAN

December 3, 2010

Mr. Raul Rojas, Director of Public Works Department  
City of Bakersfield  
1600 Truxtun Avenue  
Bakersfield, CA 93301

Re: MBHCP as Mitigation for Thomas Roads Improvement Program (TRIP) Projects

Dear Mr. Rojas:

We understand from our discussions with you that the City of Bakersfield (City) in cooperation with Caltrans is consulting with the US Fish and Wildlife Service (USWS) and the California Department of Fish and Game (CDFG) for potential impacts to the San Joaquin kit fox and other sensitive species by TRIP projects and improvements to the circulation system, which occur within the boundaries of the MBHCP. We also understand from our conversation that City desires to continue to use the MBHCP for the TRIP projects that includes: 24<sup>th</sup> Street Improvements, Rosedale Highway Widening, Hageman Road Flyover, SR 178 Widening, Centennial Corridor/SR 58 Connector, and SR 178/Morning Drive Interchange.

We agree that the City will continue to use the MBHCP for compensatory mitigation required by USWS and CDFG for the TRIP projects and payment could occur after approval of the final environmental document for each project. The City will pay the appropriate fee amount to the Trust Group for the acreage disturbed and the Trust Group will acquire the required acreage amounts.

We welcome the opportunity to assist the City and Caltrans in completing TRIP projects and fulfilling your mitigation requirements. Please feel free to contact me if you have further questions.

Sincerely,

Martin Ortiz, MBHCP Trust Administrator

CC: Ted Wright, Civil Engineer IV – TRIP Manager  
David Clark, Environmental Coordinator

Letter to PW Dir re, TRIP - Dec 2010.doc

1715 Chester Avenue, Bakersfield CA 93301



J-3: Letter to Office of Historic Preservation, Department of Parks and Recreation, State Historic Preservation Officer

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415  
PHONE (805) 549-3101  
FAX (805) 549-3329  
TTY 711  
<http://www.dot.ca.gov/dist05/>



Flex your power!  
Be energy efficient!

February 15, 2013

Dr. Carol Roland-Nawi  
State Historic Preservation Officer  
Office of Historic Preservation  
P.O. Box 942896  
Sacramento, CA 94296-0001

06-KER-58-PM T31.7/R55.6;  
06-KER-99-PM 21.2/26.2  
EA 05-48460

RE: Determinations of Eligibility for the Centennial Corridor Project, City of Bakersfield and Kern County, California

Dear Dr. Roland-Nawi:

The California Department of Transportation (Caltrans) is initiating consultation with you regarding the Centennial Corridor Project. This consultation is being undertaken in accordance with the January 1, 2004 Section 106 Programmatic Agreement and as part of federal responsibilities delegated to Caltrans by the Federal Highway Administration (FHWA), pursuant to 23 USC 327 and effective October 1, 2012.

Enclosed you will find an Historic Property Survey Report (HPSR) for the proposed undertaking. The HPSR fulfills three responsibilities under Section 106 of the National Historic Preservation Act: (1) determination of the Area of Potential Effects (APE); (2) documentation of the identification efforts for cultural resources located within the APE completed to date; and (3) evaluation of historic-period resources to determine their eligibility to the National Register of Historic Places (NRHP). Under the PA, Caltrans is responsible for ensuring the appropriateness of the APE (Stipulation VIII.A) and the adequacy of historic property identification efforts (Stipulation VIII.B). At this time, under PA Stipulation VIII.C.5, we seek your concurrence on Caltrans' determinations of eligibility for potential historic properties.

**Project Description**

Caltrans proposes to establish a new alignment for State Route 58, which would provide a continuous route along State Route 58 from Cottonwood Road on existing State Route 58, east of State Route 99, to Interstate 5. Improvements to State Route 99 and Westside Parkway would also be made to accommodate the connection with State Route 58. A complete project description can be found on page 4 of the enclosed HPSR.

**Resources Identified**

To date, identification efforts for the Centennial Corridor Project have resulted in the identification and documentation of 639 buildings or groups of buildings within the

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Dr. Carol Roland-Nawi  
February 15, 2013  
Page 2

APE of the undertaking. The resources were documented on 169 DPR 523 forms (see HPSR Exhibit 3, sheets A-O).

- Twenty-seven of these resources were previously determined not eligible for the National Register.

**Properties Previously Determined Not Eligible for the National Register**

APN	ADDRESS / NAME	COMMUNITY	YEAR BUILT	OHP STATUS CODE	MAP REFERENCE NO.	EXHIBIT
N/A	Kern Island Canal	Bakersfield	1874	6Z, 7N1	04-01	3C
149-101-03	17 Stine Rd	Bakersfield	1951	6Y	09-21	3J
149-120-13	3816 Peckham Ave	Bakersfield	1951	6Y	09-21	3J
020-091-07	337 Wetherley Dr	Bakersfield	1952	6Y	10-01	3F
147-031-08	28 Stephens Dr	Bakersfield	1945, 1948	6Y	N/A	3E
147-031-12	314 Stephens Dr	Bakersfield	1941	6Y	N/A	3E
147-031-37	2821 Brundage Ln	Bakersfield	1924-1972	6Y	N/A	3E
147-060-03	311 Dixon Ave	Bakersfield	1947	6Z	N/A	3E
147-071-02	116 Dixon Ave	Bakersfield	1941	6Y	N/A	3E
147-071-03	118 Dixon Ave	Bakersfield	1941	6Y	N/A	3E
147-071-04	120 Dixon Ave	Bakersfield	1941	6Z	N/A	3E
147-072-03	221-223 Hughes Ln	Bakersfield	1912-1952	6Y	N/A	3E
147-072-14	304 Dixon Ave	Bakersfield	1941	6Y	N/A	3E
147-072-15	300 Dixon Ave	Bakersfield	1940	6Y	N/A	3E
147-210-10	2329 Brite St	Bakersfield	1949	6Y	N/A	3E
149-222-12	96 Williamson Way	Bakersfield	1915-1989	6Y	N/A	3E
149-233-05	3618 Elcia Dr	Bakersfield	1941	6Y	N/A	3E
149-233-07	3624 Elcia Dr	Bakersfield	1924	6Y	N/A	3E
149-233-08	218 Williamson Way	Bakersfield	1918	6Y	N/A	3E
N/A	Arvin-Edison Canal	Bakersfield	1960s	6Y	N/A	3L
N/A	Calloway Canal	Bakersfield	1870s	6Z, 6Y	N/A	NA
N/A	Carrier (Gates) Canal	Bakersfield	1872-1873, 1960s	6Y	N/A	3L
N/A	Stine Canal	Bakersfield	1873, 1879, 1884	6Y	N/A	3F
N/A	Red Ribbon Lease 1, No. 3	Bakersfield	1949	6Z	N/A	N/A
N/A	Red Ribbon Ranch No. 14	Bakersfield	1942	6Z	N/A	N/A
N/A	Red Ribbon Ranch No. 17	Bakersfield	1944	6Z	N/A	N/A
N/A	Red Ribbon Ranch No. 23	Bakersfield	1944	6Z	N/A	N/A

- Three of these were determined to be eligible for the National Register: 307 S. Oleander Ave., Rancho Vista (Tract 1522) and 3904 Marsha Street.
- One was previously determined eligible for the National Register (The Friant-Kern Canal).

All other resources identified within the APE are exempt from formal evaluation pursuant to Programmatic Agreement Stipulation VIII.C.1 and Attachment 4 ("Properties Exempt from Evaluation").

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Dr. Carol Roland-Nawi  
February 15, 2013  
Page 3

**Geoarchaeological Study**

The pedestrian archaeological survey did not identify any archaeological resources within the APE. However, because the vast majority of the surface of the archaeological APE is covered by modern development, it is possible that buried sites are still present. For this reason, a two-staged Extended Phase I was initiated. The first stage was a Geoarchaeological Study (See Attachment 3 of the HPSR). This paper study addressed the vertical APE by conducting a geomorphic evaluation. Specific areas along the planned and alternate routes were evaluated. Stage II will test the sensitivity model and identify resources in any of the sensitive area. This stage of the Extended Phase I will be completed after the selection of the preferred alternative.

**Findings**

Caltrans is requesting your concurrence on the following determinations of eligibility pursuant to Stipulation VIII.C.5 of the Programmatic Agreement.

1. As assigned by the Federal Highway Administration pursuant to 23 USC 327, Caltrans has determined that the following three built-environment resources are eligible for listing in the NRHP.

**Properties Appearing Eligible for the NRHP as a Result of the Current Study**

APN	ADDRESS / NAME	COMMUNITY	YEAR BUILT	OHP STATUS CODE	MAP REFERENCE No.	HPSR EXHIBIT
147-240-14	307 S Oleander Ave	Bakersfield	1939	3S	05-04	3E
Various (See HRER)	Rancho Vista (Tract 1522)	Bakersfield	1950–1957	3S	09-21	3J
149-131-03	3904 Marsha Street	Bakersfield	1956	3B	09-21A	3J
OHP Status Code: Office of Historic Preservation historical resources classification code for resources identified through a regulatory process or local government survey; HRER: Historic Resources Evaluation Report.						

2. As assigned by the Federal Highway Administration pursuant to 23 USC 327, Caltrans has determined that the following 165 built-environment resources are not eligible for listing in the NRHP (see table on next five pages).

**Properties Determined not Eligible for the National Register as a Result of the Current Study**

APN	Address / Name	Community	Year Built	OHP Status Code	Map Reference No.	HPSR Exhibit
168-141-06	929- 931 E Brundage Ln	Bakersfield	ca. 1940–1951	6Z	02-01	3B
Various; See HPSR Appendix E	Tract 1492	Bakersfield	1950–1951	6Z	02-02	3B
169-031-06	122 Madison St	Bakersfield	1953	6Z	02-03	3B
169-031-25	121 S Milham Dr	Bakersfield	1946	6Z	02-04	3B

“Caltrans improves mobility across California”

Dr. Carol Roland-Nawi  
February 15, 2013  
Page 4

**Properties Determined not Eligible for the National Register as a Result of the Current Study**

APN	Address / Name	Community	Year Built	OHP Status Code	Map Reference No.	HPSR Exhibit
169-050-10	107 S Milham Dr	Bakersfield	1948	6Z	02-05	3B
169-032-22	122 S Milham Dr	Bakersfield	1952	6Z	02-06	3B
169-032-26	108 S Milham Dr	Bakersfield	1946	6Z	02-07	3B
169-062-06	132 Ohio Dr	Bakersfield	1929, 1959, 1984	6Z	03-01	3B
Various; See HPSR Appendix E	Tract 1503	Bakersfield	1949–1951	6Z	03-02	3B
011-043-05	501 Orchard St	Bakersfield	1940	6Z	03-03	3C
011-041-08	506 Fig St	Bakersfield	1920	6Z	03-04	3C
011-041-09	510 Fig St	Bakersfield	1924	6Z	03-05	3C
011-048-10	616 Fig St	Bakersfield	ca. 1920s	6Z	03-06	3C
011-046-02	621 Orchard St	Bakersfield	1963	6Z	03-07	3C
169-092-01	201 E Brundage Ln	Bakersfield	1954	6Z	03-08	3C
N/A	Kern Island Canal	Bakersfield	1874	6Z	04-01	3C
011-084-04	901 Snyder Ln	Bakersfield	1955	6Z	04-02	3C
011-060-17	123 S P St	Bakersfield	1955	6Z	04-03	3C
011-084-03	909 Snyder Ln	Bakersfield	1955	6Z	04-04	3C
011-060-15	912 Dobrusky Dr	Bakersfield	1957	6Z	04-05	3C
011-060-08	916 Dobrusky Dr	Bakersfield	1957	6Z	04-06	3C
011-060-14	920 Dobrusky Dr	Bakersfield	1957	6Z	04-07	3C
011-060-13	1000 Dobrusky Dr	Bakersfield	1948	6Z	04-08	3C
011-083-12	1001 Snyder Ln	Bakersfield	1955	6Z	04-09	3C
011-083-02	1005 Snyder Ln	Bakersfield	1943	6Z	04-10	3C
Various; See HPSR Appendix E	Tract 1061	Bakersfield	1938–1941	6Z	04-11	3C
011-083-01	1011 Snyder Ln	Bakersfield	1950	6Z	04-12	3C
011-082-05	301 S N St	Bakersfield	1946, 1947	6Z	04-13	3C
011-082-03	1119 Snyder Ln	Bakersfield	1954	6Z	04-14	3C
011-082-01	1129 Snyder Ln	Bakersfield	1950, 1960	6Z	04-15	3C
011-081-01	1200 Dobrusky Dr	Bakersfield	1951	6Z	04-16	3C
011-130-07	212 Vernal Pl	Bakersfield	1948	6Z	04-17	3C
011-102-11	1304 Richland St	Bakersfield	1926	6Z	04-18	3C
011-121-31	208-214 Brink Dr	Bakersfield	1946	6Z	04-19	3C
011-102-12	1324 Richland St	Bakersfield	1925	6Z	04-20	3C
011-102-13	1330 Richland St	Bakersfield	1924	6Z	04-21	3C
011-102-14	1416 Richland St	Bakersfield	1930	6Z	04-22	3C
011-122-09	209 Brink Dr	Bakersfield	1939	6Z	04-23	3C
011-122-14	308-314 S Chester Ave	Bakersfield	1939	6Z	04-24	3C
011-122-15	304 S Chester Ave	Bakersfield	1926	6Z	04-25	3C
011-122-16	234 S Chester Ave	Bakersfield	1925	6Z	04-26	3C
011-111-13	313-317 S Chester Ave	Bakersfield	1927	6Z	04-27	3C
011-111-12	305-309 S Chester Ave	Bakersfield	1935–1936, 1969	6Z	04-28	3C
011-111-11	301 S Chester Ave	Bakersfield	1932	6Z	04-29	3C
011-111-10	233 S Chester Ave	Bakersfield	1932	6Z	04-30	3C

“Caltrans improves mobility across California”



Dr. Carol Roland-Nawi  
February 15, 2013  
Page 5

**Properties Determined not Eligible for the National Register  
as a Result of the Current Study**

APN	Address / Name	Community	Year Built	OHP Status Code	Map Reference No.	HPSR Exhibit
011-111-09	229 S Chester Ave	Bakersfield	1936	6Z	04-31	3C
011-111-24	230 Haybert Ct	Bakersfield	1926	6Z	04-32	3C
011-111-25	228 Haybert Ct	Bakersfield	1926	6Z	04-33	3C
011-111-27	206 Haybert Ct	Bakersfield	1925	6Z	04-34	3C
011-111-28	204 Haybert Ct	Bakersfield	1927	6Z	04-35	3C
011-112-14	301 Haybert Ct	Bakersfield	1947	6Z	04-36	3C
011-112-13	231 Haybert Ct	Bakersfield	1945	6Z	04-37	3C
011-112-12	225 Haybert Ct	Bakersfield	1945	6Z	04-38	3C
011-112-11	219 Haybert Ct	Bakersfield	1927	6Z	04-39	3C
011-112-10	215 Haybert Ct	Bakersfield	1926	6Z	04-40	3C
011-112-09	207 Haybert Ct	Bakersfield	1939	6Z	04-41	3C
147-310-18	310 Houchin Rd	Bakersfield	1937	6Z	04-42	3C
147-290-03	1819 Brundage Ln	Bakersfield	1953	6Z	04-43	3C
147-290-02	1825 Brundage Ln	Bakersfield	1926	6Z	04-44	3C
147-290-11	124 Houchin Rd	Bakersfield	1937	6Z	04-45	3C
147-290-12	120 Houchin Rd	Bakersfield	1938	6Z	04-46	3C and 3E
147-280-01	309 Houchin Rd	Bakersfield	1939	6Z	05-01	3C and 3E
Various; See HPSR Appendix E	Tract 1010	Bakersfield	1936–1952	6Z	05-02	3C and 3E
Various; See HPSR Appendix E	Tract 1235	Bakersfield	1946–1950	6Z	05-03	3E
147-440-05	2200 Roosevelt St	Bakersfield	1956	6Z	05-05	3E
147-240-03	2293 Brite St	Bakersfield	1951	6Z	05-06	3E
147-240-02	2207 Brite St	Bakersfield	1956	6Z	05-07	3E
147-240-01	2291 Brite St	Bakersfield	1953, 1965	6Z	05-08	3E
147-210-06	2300 Brite St	Bakersfield	1951	6Z	05-09	3E
147-210-05	2324 Brite St	Bakersfield	1951	6Z	05-10	3E
147-210-04	2394 Brite St	Bakersfield	1950	6Z	05-11	3E
147-210-11	2331 Brite St	Bakersfield	1949	6Z	05-12	3E
147-210-03	2396 Brite St	Bakersfield	1949	6Z	05-13	3E
147-210-12	300 Hughes Ln	Bakersfield	1945, 1979	6Z	05-14	3E
147-091-03	2402 Robbin Rd	Bakersfield	1951	6Z	05-15	3E
147-091-04	2404 Robbin Rd	Bakersfield	1951	6Z	05-16	3E
147-091-05	2406 Robbin Rd	Bakersfield	1948	6Z	05-17	3E
147-080-03	2408 Robbin Rd	Bakersfield	1951	6Z	05-18	3E
147-080-04	203 Judan St	Bakersfield	1950	6Z	05-19	3E
147-080-14	205 Judan St	Bakersfield	1953	6Z	05-20	3E
147-072-13	2530 Colton St	Bakersfield	1941	6Z	05-21	3E
Various; See HPSR Appendix E	Tract 1402	Bakersfield	1949–1954	6Z	05-22	3E
147-060-04	313 Dixon Ave	Bakersfield	1940	6Z	05-23	3E
147-060-02	305 Dixon Ave	Bakersfield	1957	6Z	05-24	3E
147-053-03	209 Myrtle	Bakersfield	1949	6Z	05-25	3E
147-053-02	205 S Myrtle St	Bakersfield	1949	6Z	05-26	3E
147-031-07	24 Stephens Dr	Bakersfield	1963	6Z	05-27	3E

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Dr. Carol Roland-Nawi  
February 15, 2013  
Page 6

**Properties Determined not Eligible for the National Register  
as a Result of the Current Study**

APN	Address / Name	Community	Year Built	OHP Status Code	Map Reference No.	HPSR Exhibit
Various; See HPSR Appendix E	Tract 1527	Bakersfield	1950	6Z	05-28	3E
Various; See HPSR Appendix E	Olive Street Tract	Bakersfield	1950	6Z	05-29	3E
Various; See HPSR Appendix E	Tract 1549	Bakersfield	1950	6Z	05-30	3E
164-101-13	3400 Madrid Ave	Bakersfield	1961	6Z	07-01	3D
Various; See HPSR Appendix E	Tract 1915	Bakersfield	1957–1959	6Z	07-02	3D and 3E
164-040-30	1117 Wible Rd	Bakersfield	1961, 1967	6Z	07-03	3E
164-040-20	3309 Wood Ln	Bakersfield	ca. 1950s	6Z	07-04	3E
164-040-01	3311 Wood Ln	Bakersfield	1959	6Z	07-05	3E
164-091-08	3407 Wood Ln	Bakersfield	1959	6Z	07-06	3E
164-010-38	3308 Wood Ln	Bakersfield	1957	6Z	08-01	3E
164-010-18	3310 Wood Ln	Bakersfield	1946	6Z	08-02	3E
164-010-19	3320 Wood Ln	Bakersfield	1948	6Z	08-03	3E
164-010-09	3229 Belle Terrace	Bakersfield	1948	6Z	08-04	3E
Various; See HPSR Appendix E	Tract 1562	Bakersfield	1951–1955	6Z	08-05	3E
149-250-50	3234 Belle Terrace	Bakersfield	1952	6Z	08-06	3E
149-250-15	3209 Mona Way	Bakersfield	1959	6Z	08-07	3E
149-250-16	3213 Mona Way	Bakersfield	1959	6Z	08-08	3E
149-250-09	3232 Mona Wy	Bakersfield	1947	6Z	08-09	3E
149-250-08	3326 Mona Way	Bakersfield	1952	6Z	08-10	3E
Various; See HPSR Appendix E	Tract 1579	Bakersfield	1951	6Z	08-11	3E
149-190-08	3330 Elcia Dr	Bakersfield	1956, 1963	6Z	08-12	3E
149-190-11	3320 Elcia Dr	Bakersfield	1963	6Z	08-13	3E
149-190-17	3324 Elcia Dr	Bakersfield	1961	6Z	08-14	3E
149-211-10	3400 Elcia Dr	Bakersfield	1953	6Z	08-15	3E
149-212-10	3401 Elcia Dr	Bakersfield	1953	6Z	08-16	3E
149-211-09	3404 Elcia Dr	Bakersfield	1953	6Z	08-17	3E
149-212-09	3405 Elcia Dr	Bakersfield	1953	6Z	08-18	3E
149-211-08	3408 Elcia Dr	Bakersfield	1953	6Z	08-19	3E
149-212-08	3409 Elcia Dr	Bakersfield	1953	6Z	08-20	3E
149-211-07	3412 Elcia Dr	Bakersfield	1953	6Z	08-21	3E
149-212-07	3413 Elcia Dr	Bakersfield	1953	6Z	08-22	3E
149-211-06	3416 Elcia Dr	Bakersfield	1953	6Z	08-23	3E
149-211-05	3500 Elcia Dr	Bakersfield	1949	6Z	08-24	3E
149-200-05	210 S Real Rd	Bakersfield	1929	6Z	08-25	3E
149-211-04	3502 Elcia Dr	Bakersfield	1953	6Z	08-26	3E
149-211-01	236 S Real Rd	Bakersfield	1953, 1968	6Z	08-27	3E
149-231-18	301 S Real Rd	Bakersfield	1940	6Z	08-28	3E
149-232-04	225 Williamson Way	Bakersfield	1954	6Z	08-29	3E
149-232-03	217 Williamson Way	Bakersfield	1954	6Z	08-30	3E
149-232-02	215 Williamson Way	Bakersfield	1955	6Z	08-30	3E

*"Caltrans improves mobility across California"*



Dr. Carol Roland-Nawi  
February 15, 2013  
Page 7

Properties Determined not Eligible for the National Register  
as a Result of the Current Study

APN	Address / Name	Community	Year Built	OHP Status Code	Map Reference No.	HPSR Exhibit
149-232-14	320 S Garnsey Ave	Bakersfield	1943	6Z	08-31	3E
149-232-08	306 S Garnsey Ave	Bakersfield	1959	6Z	08-32	3E
149-232-01	300 S Garnsey Ave	Bakersfield	1959	6Z	08-33	3E
149-340-10	100 Stine Rd	Bakersfield	1950, 1965	6Z	08-34	3E
149-211-03	3504 Elcia Dr	Bakersfield	1949	6Z	08-35	3E
008-062-17	92 Oak St	Bakersfield	1962–1963	6Z	09-01	3E
008-062-13	3050-3090 Brundage Ln	Bakersfield	1956	6Z	09-02	3E
008-061-22	3116-3118 Verde St	Bakersfield	1954	6Z	09-03	3E
Various; See HPSR Appendix E	Tract 1397	Bakersfield	1948–1950	6Z	09-04	3E
149-222-01	20 Williamson Way	Bakersfield	1964	6Z	09-05	3E
149-222-21	3621 Stockdale Hwy	Bakersfield	1962	6Z	09-06	3E
149-222-14	209 Williamson Way	Bakersfield	1957	6Z	09-07	3E
149-222-15	205 Williamson Way	Bakersfield	1957	6Z	09-08	3E
149-222-16	201 Williamson Way	Bakersfield	1957	6Z	09-09	3E
149-222-17	125 Williamson Way	Bakersfield	1957	6Z	09-10	3E
Various; See HPSR Appendix E	Tract 1938	Bakersfield	1957–1960	6Z	09-11	3J
149-221-21	195 S Garnsey Ave	Bakersfield	ca. 1930, 1950	6Z	09-12	3J
149-221-03	3847-3849 Stockdale Hwy	Bakersfield	1961	6Z	09-13	3J
020-200-12	3808 Stockdale Hwy	Bakersfield	1960	6Z	09-14	3J
149-221-24	30 Stine Rd	Bakersfield	1935	6Z	09-15	3J
149-221-11	22 Stine Rd	Bakersfield	1940	6Z	09-16	3J
149-221-12	16 Stine Rd	Bakersfield	1935	6Z	09-17	3J
149-221-13	20 Stine Rd	Bakersfield	1956	6Z	09-18	3J
149-221-17	3899 Stockdale Hwy	Bakersfield	1932, 1977	6Z	09-19	3J
Various; See HPSR Appendix E	Stockdale Manor (Tracts 1750, 1753)	Bakersfield	1955	6Z	09-20	3J
Various; See HPSR Appendix E	Tract 1530	Bakersfield	1950–1954	6Z	10-01	3F
020-150-09	3300 Palm St	Bakersfield	1956-58c	6Z	10-02	3F
020-140-25 020-140-35 020-140-42	3231 Chester Ln	Bakersfield	1962, 1964, ca. 1968– 1975, 1993	6Z	10-03	3F
020-140-06	3311 Chester Ln	Bakersfield	1950	6Z	10-04	3F
020-130-23	3232 Chester Ln	Bakersfield	1963–1964	6Z	10-05	3F
Various; See HPSR Appendix E	Tract 1005	Bakersfield	1957–1959	6Z	15-01	3J

Dr. Carol Roland-Nawi  
February 15, 2013  
Page 8

Properties Determined not Eligible for the National Register  
as a Result of the Current Study

APN	Address / Name	Community	Year Built	OHP Status Code	Map Reference No.	HPSR Exhibit
149-142-08	3990 Peckham Ave	Bakersfield	1935	6Z	15-02	3J
149-142-19	40 McDonald Way	Bakersfield	1938	6Z	15-03	3J
Various; See HPSR Appendix E	Tract 1610	Bakersfield	1952–1954	6Z	15-04	3J
149-330-03	4400 Frazier Ave	Bakersfield	1955	6Z	15-05	3J
149-330-04	4404 Frazier Ave	Bakersfield	1955	6Z	15-06	3J
N/A	K.C.L. Wells No. A53, D65, D66, D67, D77	Bakersfield	ca. 1950– 1953	6Z	16-01	3J and 3K
N/A	Kernland Wells No 5 & 10	Bakersfield	1949, 1953, ca. 1965	6Z	17-01	3J and 3K
N/A	Red Ribbon Ranch Wells No. 22, 31, 42	Bakersfield	1945, 1948, 1952	6Z	19-01	3K
OHP Status Code: Office of Historic Preservation historical resources classification code for resources identified through a regulatory process or local government survey						

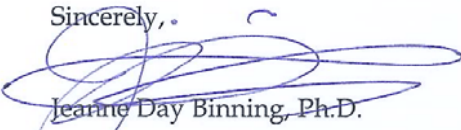
Summary

We look forward to receiving your response within 30 days of your receipt of this HPSR submittal, in accordance with Programmatic Agreement Stipulation VIII.C.5a. A Supplemental HPSR will be submitted after an alternative is selected and further identification efforts for archaeological resources have been completed.

This letter and the enclosed HPSR are concurrently being distributed to the Caltrans Cultural Communities Studies Office and three Native American tribes.

Thank you for your assistance with this undertaking. If you need any additional information, please feel free to contact Caltrans architectural historian Philip Vallejo at (559) 445-5997; Fax (559) 445-6236; or e-mail: philip\_vallejo@dot.ca.gov.

Sincerely,

  
Jeanne Day Binning, Ph.D.  
Branch Chief, Central California Cultural Resource Branch

Enc: Historic Property Survey Report, Centennial Corridor Project

cc: Todd Jaffke, Caltrans Section 106 Coordinator, Cultural and Community Studies Office  
Clarence Atwell, Chairperson, Santa Rosa Rancheria (attention Lalo Franco)  
Neil Peyron, Chairperson, Tule River Indian Tribe  
Kathryn Montes Morgan, Chairwoman, Tejon Indian Tribe

J-4: Email from Santa Rosa Rancheria Tachi Yokut Tribe

Shana Brum <SBrum@tachi-yokut-nsn.gov>  
To: "philip\_vallejo@dot.ca.gov" <philip\_vallejo@dot.ca.gov>  
CC: "mandy.marine@dot.ca.gov" <mandy.marine@dot.ca.gov>  
Subject: Centennial Corridor Project

03/06/2013 09:48 AM

Dear Philip Vallejo,

I am writing to you on behalf of Santa Rosa Rancheria Tachi Yokut Tribe’s Cultural Department to consult on the Centennial Corridor Project. Due to the likelihood of buried archaeological deposits, we are recommending the creation of a Native American Monitoring Program for segment 2 and the river crossing of the preferred route during the construction phase of this project. If alternative C is the preferred route, we recommend monitoring the entire construction phase of this segment. Santa Rosa Rancheria’s Cultural Department, is willing to assist you in this process. Also, we would like to request a site visit to survey the project area of Segment 2. We look forward to working with you. Thank you for your time.

Sincerely,

Shana Brum  
Santa Rosa Rancheria Tachi Yokut Tribe  
Cultural and Historic Preservation Department  
Cultural Specialist/Archaeological Technician  
Office: (559)924-1278 Ext 4013  
Wk. Cell: (559)997-9919  
Email: SBrum@tachi-yokut-nsn.gov

J-5: Letter to Office of Historic Preservation, Department of Parks and Recreation, State Historic Preservation Officer

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY  
EDMUND G. BROWN, JR., Governor

OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION  
1725 23<sup>rd</sup> Street, Suite 100  
SACRAMENTO, CA 95816-7100  
(916) 445-7000 Fax: (916) 445-7053  
calshpo@parks.ca.gov  
www.ohp.parks.ca.gov



April 15, 2013

Reply To: FHWA\_2013\_0319\_002

Jeanne Day Binning, Ph.D.  
Branch Chief, Central California Cultural Resource Branch  
Caltrans  
50 Higuera Street  
San Luis Obispo, CA 93401-5415

Re: Determinations of Eligibility for the Proposed Centennial Corridor Project, City of Bakersfield and Kern County, CA

Dear Ms. Binning:

Thank you for consulting with me about the subject undertaking in accordance with the *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (PA).

Caltrans has determined that the 165 properties listed under Findings number 2 from your letter of February 15, 2013 (attached) are not eligible for the National Register of Historic Places (NRHP).

Caltrans has also found that the following properties are eligible for the NRHP for the following reasons:

- 307 S Oleander Avenue – Caltrans found this property eligible under Criterion C at the local level of significance as a finely executed local example of Colonial Revival architecture. The period of significance is 1939, the year the house and garage were built.
- Rancho Vista (Tract 22) – Caltrans found this district eligible under Criteria A and C at the local level of significance. Under Criterion A the tract is eligible for its incorporation of innovative mass-production techniques during the postwar period. It is also eligible under Criterion C as a local example of a postwar subdivision comprised entirely of houses that were built using a whole-house prefabrication method. The period of significance for the Rancho Vista tract extends from 1950 through 1957. These reflect the years that the houses were delivered to the tract.
- 3904 Marsha Street – Caltrans found this property eligible as both a contributor to the Rancho Vista tract as well as individually eligible. On an individual basis the property is eligible under Criterion A at the local level of significance for its association with Cold War tension between the United States and the Soviet Union, and the fear of nuclear war between the two countries. The fallout shelter conveys the mindset of the time and the lengths people were willing to go to survive a nuclear holocaust.

Based on review of the submitted documentation, I concur with the foregoing determinations.



Ms. Binning  
April 15, 2013  
Page 2 of 2

Thank you for considering historic properties during project planning. If you have any questions, please contact Natalie Lindquist of my staff at (916) 445-7014 or email at [natalie.lindquist@parks.ca.gov](mailto:natalie.lindquist@parks.ca.gov).

Sincerely,

*Susan H Stratton for*

Carol Roland-Nawi, Ph.D.  
State Historic Preservation Officer

J-6: Letter to United States Fish and Wildlife Service

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION  
50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415  
PHONE (805) 549-3101  
FAX (805) 549-3329  
TTY 711  
<http://www.dot.ca.gov/dist05/>



*Flex your power!  
Be energy efficient!*

April 15, 2013

Mr. Thomas Leeman  
Division Chief, San Joaquin Valley  
Sacramento Field Office  
U.S. Fish and Wildlife Service  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825

Dear Mr. Leeman::

Caltrans is initiating consultation as part of its NEPA assignment of federal responsibilities by the Federal Highway Administration (FHWA), effective October 1, 2012 and pursuant to 23 USC 327. The enclosed biological assessment details the anticipated effects upon federally listed species resulting from the proposed realignment and widening of Highway 58 through Bakersfield, in Kern County. The "Centennial Corridor" project is a part of the Thomas Roads Improvement Program (TRIP).

Our assessment concludes that the proposed project may affect, and is likely to adversely affect the San Joaquin kit fox population in the City of Bakersfield but would not likely to affect any other species listed under the Federal Endangered Species Act.

If you have questions or wish to discuss the project, please contact me at (805) 549-3622 or at [chuck.cesena@dot.ca.gov](mailto:chuck.cesena@dot.ca.gov).

Sincerely,

*Chuck Cesena*  
Chuck Cesena  
Senior Environmental Planner

Enclosure: Centennial Corridor Biological Assessment

"Caltrans improves mobility across California"

**J-7: Letter from Office of Historic Preservation, Department of Parks and Recreation, State Historic Preservation Officer**

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

1725 23<sup>rd</sup> Street, Suite 100  
SACRAMENTO, CA 95818-7100  
(916) 445-7000 Fax: (916) 445-7053  
calshpo@parks.ca.gov  
www.ohp.parks.ca.gov



April 10, 2014

Reply To: FHWA\_2013\_0319\_002

Anmarie Medin  
Chief, Cultural Studies Office  
Caltrans Division of Environmental Analysis, MS 27  
PO Box 942874  
Sacramento, CA 94274-0001

Re: Finding of Effect for the Proposed Centennial Corridor Project, Bakersfield, Kern County, CA

Dear Ms. Medin:

Thank you for consulting with me about the subject undertaking in accordance with the *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California (PA)*.

Caltrans has found that the proposed project will have no adverse effect to the following properties that have been previously determined eligible for the National Register of Historic Places (NRHP):

- Friant-Kern Canal
- Lester H. Houchin residence
- 3904 Marsha Street
- Rancho Vista Historic District

It is Caltrans' opinion that a finding of No Adverse Effect without Standard Conditions is appropriate because the effects to the Rancho Vista Historic District property will not result in the loss or impairment of character-defining features, essential physical features, or aspects of integrity that make the Tract eligible for inclusion in the NRHP.

Based on my review of the submitted documentation I object to the finding of No Adverse Effect for the following reasons:

1. At this point in time it does not appear that Caltrans has completed their identification effort with regards to archeology. It appears as though Caltrans is planning to defer extended archeological studies until a preferred alternative has been selected.
2. The sound wall proposed for the project results in a visual intrusion to the Rancho Vista Historic District that is out of scale with the neighborhood and greatly affects the residential feel of the neighborhood. While incompatible changes may have

Ms. Medin  
April 10, 2014  
Page 2 of 2

affected the setting of the neighborhood in the past the elevated nature of the sound wall being proposed is very imposing and in my opinion would result in an adverse effect to the historic district.

Thank you for considering historic properties during project planning. If you have any questions, please contact Natalie Lindquist of my staff at (916) 445-7014 or email at [natalie.lindquist@parks.ca.gov](mailto:natalie.lindquist@parks.ca.gov).

Sincerely,

Carol Roland-Nawi, Ph.D.  
State Historic Preservation Officer



J-8: Letter from State of California, Department of Transportation, Division of Environmental Analysis

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr. Governor

DEPARTMENT OF TRANSPORTATION  
DIVISION OF ENVIRONMENTAL ANALYSIS  
P.O. BOX 942873, MS-27  
SACRAMENTO, CA 94273-0001  
PHONE (916) 653-7136  
FAX (916) 653-6126  
TTY 711  
www.dot.ca.gov



Serious Drought!  
Help save water!

April 18, 2014

Dr. Carol Roland-Nawi  
California State Historic Preservation Officer  
Office of Historic Preservation  
California Department of Parks and Recreation  
1725 23<sup>rd</sup> Street, Suite 100  
Sacramento, CA 95816

OHP File: FHWA 2013 0319 002

Centennial Corridor Project

Subject: Section 106 Consultation on Finding of Effect for the Proposed Centennial Corridor Project, Bakersfield, Kern County, CA.

Attention: Ms. Natalie Lindquist

Dear Dr. Roland-Nawi:

The California Department of Transportation (Caltrans), in coordination with the City of Bakersfield, is continuing consultation with the California State Historic Preservation Officer (SHPO) for the undertaking titled Centennial Corridor Project. This consultation is undertaken in accordance with the 2014 *First Amended Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act as it Pertains to the Administration of the Federal-Aid Highway Program in California* (Section 106 PA).

Thank you for your letter of April 10, 2014 providing your comments concerning the Finding of Effect documentation submitted to your office by Caltrans. You objected to a finding of No Adverse Effect without Standard Conditions based on the following reasons:

1. At the point in time it does not appear that Caltrans has completed their identification effort with regards to archaeology. It appears as though Caltrans is planning to defer extended archaeological studies until a preferred alternative has been selected.
2. The sound wall proposed for the project results in a visual intrusion to the Rancho Vista Historic District that is out of scale with the neighborhood and greatly affects the residential feel of the neighborhood. While incompatible changes may have affected the setting of the neighborhood in the past the elevated nature of the sound wall being proposed is very imposing and in my opinion would result in an adverse effect to the historic district.

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Carol Roland-Nawi, Ph.D.  
April 18, 2014  
Page 2 of 3

Accordingly, as a result of the preceding SHPO comments, Caltrans has reassessed the undertaking and its anticipated effects on historic properties under Section 106 PA Section X, and 36 CFR 800.5. Caltrans has revised the finding to be a finding of Adverse Effect for the Centennial Corridor Project based on the consideration of your two comments, addressed further below in reverse order.

Regarding the second comment, Caltrans has concluded that the elevated sound wall, though located outside of the Rancho Vista Historic District boundaries, would constitute a visual intrusion and diminish the historic property’s setting. Thus, this would create an adverse effect as defined at 36 CFR 800.5. As a result, Caltrans will be working with SHPO and other consulting parties to explore possible measures to resolve adverse effects by minimizing or eliminating the adverse visual effects on the historic property. A separate draft Memorandum of Agreement (MOA) will be submitted to you following circulation of the Draft Environmental Impact Statement and receipt of public comment.

Regarding the first comment, we understand the SHPO could not concur with the Caltrans finding of no adverse effect on archaeological resources until the identification phase of the Section 106 process had been completed.

As Caltrans detailed in the Historic Property Survey Report (HPSR), the records search indicated four archaeological resources were recorded within 0.5-mile of the archaeological APE (CA-KER-167, CA-KER-3072, CA-KER-7232, and CA-KER-7233). None of the sites are within the archaeological Area of Potential Effects (APE) itself; therefore, they would not be impacted by the undertaking. While the pedestrian survey did not identify any archaeological resources to be within the archaeological APE, due to the archaeological sensitivity of the area, the dearth of previous archaeological surveys, and the extent of urban development, Caltrans recognizes that archaeological resources may lie buried within the area of direct impact for the project and further identification efforts would be needed.

Caltrans has proposed that it carry out a two-stage Extended Phase I. The first stage (already completed and submitted to SHPO as part of the HPSR in February 2013) consisted primarily of a background paper study assessing the vertical APE and evaluating the potential for buried archaeological deposits. The focus of the second stage is to test for the presence of archaeological resources in sensitive soils and sediments. As presented to the SHPO, the Stage II portion of the Extended Phase I Geoarchaeological Report would be undertaken for the preferred alternative. A Supplemental HPSR will be prepared by Caltrans and will be submitted to the SHPO and other consulting parties if the geoarchaeology identification efforts identify any archaeological resources for the Centennial Corridor Project.

If archaeological deposits or sites are discovered as a result of the Stage II fieldwork, and such sites or deposits are not otherwise included in the list of archaeological property types and features exempt from evaluation as provided in the Section 106 PA Attachment 4, then a Phase II investigation (Archaeological Evaluation Report) would be prepared to determine site boundaries and the potential National Register of Historic Places (NRHP) eligibility of any newly identified

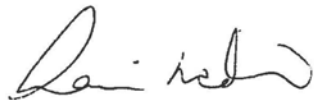
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Carol Roland-Nawi, Ph.D.  
April 18, 2014  
Page 3 of 3

site(s). Should archaeological resources be determined to be historic properties and they will be adversely affected by the project, mitigation of these properties will be addressed in the MOA to be developed for this undertaking (Phase III excavations, public outreach, etc.). Moreover, the MOA will outline a protocol to address the inadvertent discovery of previously undocumented archaeological resources in accordance with 36 CFR 800. 6(c) (6). It will include the communication protocol between your office and Caltrans. The MOA will also stipulate that destructive mitigation of archaeological historic properties will take place only after design plans are sufficiently developed and it has been determined that the historic property could not be avoided.

Upon reevaluation of your concerns and the project, we have determined that the Centennial Corridor project will have an adverse effect on historic properties, and request your expedited concurrence with this finding by providing your signature on the concurrence line below. Caltrans will continue consulting with you on the two concerns as we develop the MOA. If you have any questions or concerns, please do not hesitate to contact me at (916) 653-6187.

Sincerely,



ANMARIE MEDIN  
Chief  
Cultural Studies Office

Concur: 

\_\_\_\_\_  
Carol Roland-Nawi  
State Historic Preservation Officer

April 24, 2014  
Date

- c: Natalie Lindquist –OHP
- cc: Kelly Hobbs, Section 106 Coordinator (via electronic transmission)  
Jennifer Taylor, D6 Office Chief (via electronic transmission)

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to enhance California's economy and livability"*

Carol Roland-Nawi, Ph.D.  
April 18, 2014  
Page 4 of 3

Jeanne Binning, D6 Branch Chief (via electronic transmission)  
Phillip Vallejo, D6 Architectural Historian (via electronic transmission)  
Bob Pavlik, Central Region Environmental Coordinator (via electronic transmission)

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

**J-9: Letter from Department of the Army, U.S. Army Engineer District, Sacramento, Corps of Engineers**



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO CA 95814-2922

August 7, 2014

Regulatory Division SPK-2008-01813

State of California  
Department of Transportation, District 6  
Attn: Ms. Jennifer H. Taylor  
855 M Street, Suite 200  
Fresno, California 93721-2716

Dear Ms. Taylor:

We are responding to your May 7, 2014, request for comments on the *Draft Environmental Impacts Report/Environmental Impact Statement (EIR/EIS)(CEQ#20140140)* for the Centennial Corridor Project (KER – 58 – PM T31.7 to PM R55.6, KER – 99 – PM 21.2 to PM 26.2), dated May 2014.

Our jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act (CWA) for the discharge of dredged or fill material into waters of the United States (WoUS). WoUS include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps.

Based on our regulations and policies, the Corps places high degrees of importance on the functional losses either directly or indirectly caused by the discharge of dredged or fill material into waters of the U.S., including wetlands. Therefore, to the extent practicable, the EIS should quantitatively and/or qualitatively address the anticipated **direct and indirect** effects to aquatic ecosystems in terms of sedimentation (e.g., sediment transport, accretion, aggradation, degradation, erosion, hydrologic regime, water quality, floodplain encroachment, and habitat integrity). As a matter of efficacy, the EIS should include a summary of the major impacts to water resources with accompanying aerial or topographic maps of sufficient scale that geospatially illustrate the potential **direct and indirect** effects associated with the discharge of dredged or fill material into waters of the U.S.

Table S.1, *Summary of Major Potential Impacts from Alternatives*, identifies the amount of permanent and temporary impacts to "jurisdictional" WoUS; however, the jurisdictional status of these aquatic features has not been verified by this office. To date, our records indicate that Caltrans has not requested a jurisdictional determination for the study area; therefore, the location and quantity of WoUS within the study area is unknown. To ascertain the extent of WoUS within the study area, Caltrans should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetlands Delineations" and "Final Map and Drawing Standards for the South Pacific Division Regulatory Program", and submit it to this office for verification.

-2-

Caltrans has preliminarily identified Alternative B as the preferred alternative; however, we cannot concur with this determination. It would be pre-decisional to assume that Alternative B would likely yield the Least Environmentally Damaging Practicable Alternative (LEDPA) until we have verified the extent of WoUS within the study area and have evaluated the alternatives for compliance with the U.S. Environmental Protection Agency's CWA § 404(b)(1) Guidelines (40 C.F.R. Part 230).

Lastly, we strongly encourage Caltrans to make the most of timely mitigation planning opportunities by leveraging the resources of local, State, Federal, and non-profit entities to help with watershed wide identification of areas suitable for wetlands enhancement, restoration, creation and/or preservation in-perpetuity. To that end, the EIS should propose a meaningful suite of mitigation strategies that would avoid and minimize impacts and/or compensate for any unavoidable adverse impacts to aquatic resources. A draft mitigation plan and location of mitigation should be disclosed in the Final EIS and be submitted as part of the permit application. A final mitigation plan, approved by the Corps, is required if an Individual Permit is required for the proposed project. Any proposed mitigation should be in compliance with 33 C.F.R. Part 332 and 40 C.F.R. Part 230.

We appreciate your coordination efforts and the opportunity to submit comments. Please refer to identification number SPK-2008-01813 in any correspondence concerning this project. If you have any questions, please contact me at our California North Branch Office, Regulatory Division, U.S. Army Corps of Engineers, 1325 J Street, Room 1350, Sacramento, California 95814-2922, by email at [Leah.M.Fisher@usace.army.mil](mailto:Leah.M.Fisher@usace.army.mil), or telephone at 916-557-6639. For more information regarding our program, please visit our website at [www.spk.usace.army.mil/Missions/Regulatory.aspx](http://www.spk.usace.army.mil/Missions/Regulatory.aspx).

Sincerely,

Leah M. Fisher  
Sr. Project Manager, CA North Branch  
Regulatory Division

cc:

Zac Appleton, U.S. Environmental Protection Agency, Region 9, [Appleton.Zac@epa.gov](mailto:Appleton.Zac@epa.gov)  
Paul Amato, U.S. Environmental Protection Agency, Region 9, [Amato.Paul@epa.gov](mailto:Amato.Paul@epa.gov)  
Thomas Leeman, U.S. Fish and Wildlife Service, [Thomas.Leeman@fws.gov](mailto:Thomas.Leeman@fws.gov)  
Matt Scroggins, CA Regional Water Quality Control Board, [mscroggins@waterboards.ca.gov](mailto:mscroggins@waterboards.ca.gov)  
Robert Pavlik, State of California, Department of Transportation, [bob.pavlik@dot.ca.gov](mailto:bob.pavlik@dot.ca.gov)  
CA Department of Fish and Wildlife, Central Region, [reg4sec@wildlife.ca.gov](mailto:reg4sec@wildlife.ca.gov)



J-10: Farmland Conversion Impact Rating for Corridor Type Projects form

U.S. DEPARTMENT OF AGRICULTURE  
Natural Resources Conservation Service

NRCS-CPA-106  
(Rev. 1-91)

FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS

1. Name of Project

Centennial Corridor-06-KER-58 -NCIIP5109(10)

2. Type of Project

Roadway Improvements

3. Date of Land Evaluation Request

9/18/13

4. Sheet 1 of

2

5. Federal Agency Involved

FHWA

6. County and State

Kern County, California

1. Date Request Received by NRCS

9/18/13

2. Person Completing Form

James Booth

3. Does the corridor contain prime, unique statewide or local important farmland?  
(If no, the FPPA does not apply - Do not complete additional parts of this form).

YES ☒ NO ☐

4. Acres Irrigated

912,584

Average Farm Size

1,428

5. Major Crop(s)

Cotton, Grapes & Almonds

6. Farmable Land in Government Jurisdiction

Acres: 1,054,228 % 20.2%

7. Amount of Farmland As Defined in FPPA

Acres: 703,387 ac % 13.5

8. Name Of Land Evaluation System Used

California Storie System

9. Name of Local Site Assessment System

None

10. Date Land Evaluation Returned by NRCS

9/25/13

PART III (To be completed by Federal Agency)

Alternative Corridor For Segment All

A. Total Acres To Be Converted Directly

4

4

4

B. Total Acres To Be Converted Indirectly, Or To Receive Services

0

0

0

C. Total Acres In Corridor

513

478

549

PART IV (To be completed by NRCS) Land Evaluation Information

A. Total Acres Prime And Unique Farmland

3.16

3.16

3.16

B. Total Acres Statewide And Local Important Farmland

0.84

0.84

0.84

C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted

0

0

0

D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value

0

0

0

PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)

44.4

44.4

44.

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))

Maximum Points

1. Area in Nonurban Use

15

15

2. Perimeter in Nonurban Use

10

10

3. Percent Of Corridor Being Farmed

20

20

4. Protection Provided By State And Local Government

20

2

5. Size of Present Farm Unit Compared To Average

10

5

6. Creation Of Nonfarmable Farmland

25

0

7. Availability Of Farm Support Services

5

5

8. On-Farm Investments

20

0

9. Effects Of Conversion On Farm Support Services

25

0

10. Compatibility With Existing Agricultural Use

10

0

TOTAL CORRIDOR ASSESSMENT POINTS

160

57

0

0

0

PART VII (To be completed by Federal Agency)

Relative Value Of Farmland (From Part V)

100

44.4

44.4

44

0

Total Corridor Assessment (From Part VI above or a local site assessment)

160

57

0

0

0

TOTAL POINTS (Total of above 2 lines)

260

101.4

44.4

44

0

1. Corridor Selected:

All the alternatives impact the same area.

2. Total Acres of Farmlands to be Converted by Project:

4 acres

3. Date Of Selection:

4. Was A Local Site Assessment Used?

YES ☐ NO ☒

5. Reason For Selection:

Each alternative requires improvements (turn lanes and a signal) at the Stockdale Highway/State Route 43 (Enos Lane) intersection. The impacts would be the area immediately adjacent to the existing road way on each quadrant of the intersection.

Signature of Person Completing this Part:

DATE 9/18/13

NOTE: Complete a form for each segment with more than one Alternate Corridor

Appendix J • Key Correspondence

NRCS-CPA-106 (Reverse)

CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor - type site or design alternative for protection as farmland along with the land evaluation information.

(1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?

More than 90 percent - 15 points  
90 to 20 percent - 14 to 1 point(s)  
Less than 20 percent - 0 points

(2) How much of the perimeter of the site borders on land in nonurban use?

More than 90 percent - 10 points  
90 to 20 percent - 9 to 1 point(s)  
Less than 20 percent - 0 points

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?

More than 90 percent - 20 points  
90 to 20 percent - 19 to 1 point(s)  
Less than 20 percent - 0 points

(4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?

Site is protected - 20 points  
Site is not protected - 0 points

(5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County ?  
(Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage or Farm Units in Operation with \$1,000 or more in sales.)  
As large or larger - 10 points  
Below average - deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average - 9 to 0 points

(6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?

Acreage equal to more than 25 percent of acres directly converted by the project - 25 points  
Acreage equal to between 25 and 5 percent of the acres directly converted by the project - 1 to 24 point(s)  
Acreage equal to less than 5 percent of the acres directly converted by the project - 0 points

(7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?

All required services are available - 5 points  
Some required services are available - 4 to 1 point(s)  
No required services are available - 0 points

(8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?

High amount of on-farm investment - 20 points  
Moderate amount of on-farm investment - 19 to 1 point(s)  
No on-farm investment - 0 points

(9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?

Substantial reduction in demand for support services if the site is converted - 25 points  
Some reduction in demand for support services if the site is converted - 1 to 24 point(s)  
No significant reduction in demand for support services if the site is converted - 0 points

(10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?

Proposed project is incompatible to existing agricultural use of surrounding farmland - 10 points  
Proposed project is tolerable to existing agricultural use of surrounding farmland - 9 to 1 point(s)  
Proposed project is fully compatible with existing agricultural use of surrounding farmland - 0 points

Centennial Corridor • 963

Centennial Corridor • 964



**J-11: Memorandum of Agreement between Caltrans and the State Historic Preservation Officer Regarding the Centennial Corridor Project**

**MEMORANDUM OF AGREEMENT**

**BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER REGARDING THE CENTENNIAL CORRIDOR PROJECT, CITY OF BAKERSFIELD, KERN COUNTY, CALIFORNIA**

**WHEREAS**, the Federal Highway Administration (FHWA) has assigned and the California Department of Transportation (Caltrans) has assumed FHWA responsibility for environmental review, consultation, and coordination pursuant to 23 USC 327, which became effective on October 1, 2012 and applies to this project (Undertaking); and

**WHEREAS**, Caltrans has consulted with the California State Historic Preservation Officer (SHPO) pursuant to Stipulation X.C and XI of the *First Amended Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (Section 106 PA), and in accordance with 36 CFR Part 800, the regulation that implements Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f), as amended, regarding the Undertaking’s effect on historic properties; and

**WHEREAS**, for the purposes of this agreement, the City of Bakersfield (City) is the project proponent, Caltrans District 06 (District) is responsible for completion of environmental studies for the project described in this agreement. Caltrans Headquarters Division of Environmental Analysis is responsible for the oversight of District environmental responsibilities and Caltrans Cultural Studies Office (CSO) is responsible for coordination of the Section 106 process; and

**WHEREAS**, the Area of Potential Effects (APE) for the Undertaking was established to include all areas within the vicinity of the Centennial Corridor Project that may contain historic properties that would be directly or indirectly affected by the Undertaking. This includes the maximum existing and proposed right-of-way, project construction easements (temporary and permanent), staging areas, vertical APE, and temporary or permanent changes in access (ingress or egress) known at the time the APE was signed; and

**WHEREAS**, Caltrans has determined that the Centennial Corridor Project in Bakersfield, Kern County will have an adverse effect on the Rancho Vista Historic District, a property determined to be eligible for inclusion in the National Register of Historic Places (NRHP) by consensus determination; and

**WHEREAS**, Caltrans has consulted with the Native American community regarding the proposed undertaking and its effects on historic properties, will continue to consult with concerned Native American parties regarding this undertaking, and will afford the these groups and individuals, should they so desire, with an opportunity to participate in the implementation of this MOA; and

**WHEREAS**, the District and City have participated in the consultation and have been invited to concur in this Agreement; and

**WHEREAS**, the public has been given an opportunity to comment on the proposed Undertaking and its potential to adversely affect historic properties;

**NOW, THEREFORE**, Caltrans and the SHPO agree that if the Undertaking proceeds, the following measures shall be implemented in order to take into account the adverse effects of the Undertaking on historic properties (NRHP-eligible or listed resources), and further agree that these stipulations shall govern the Undertaking and all of its parts until this Agreement expires or is terminated.

**STIPULATIONS**

This agreement outlines the treatment for historic properties that will be affected by the Undertaking. The District shall ensure that the following measures and stipulations are carried out:

**I. AREA OF POTENTIAL EFFECTS (APE)**

**A.** If the District Professionally Qualified Staff (PQS) determines that the final design of the project requires a modification to the APE, the District will notify consulting parties in accordance with Attachment 3 of the Section 106 PA. The District will evaluate previously unidentified resources in accordance with Stipulations VIII and assess potential effects in accordance with Stipulation X of the Section 106 PA, except where an Adverse Effect determination is made. CSO in consultation with the District may assume an adverse effect on historic properties and proceed directly to the development of mitigation measures needed to resolve adverse effects. Mitigation measures will be developed as specified in this agreement and submitted to the consulting parties and interested public for a 30 day comment period. CSO in consultation with the District and SHPO will consider any comments received prior to finalizing the mitigation measures. If, at anytime, the parties to this Agreement cannot agree on the proposed mitigation measures, then the parties shall resolve the dispute as per Stipulation V.C of this agreement.

**II. TREATMENT OF HISTORIC PROPERTIES**

**A. Rancho Vista Historic District**

1. The City, in consultation with District PQS shall prepare a detailed report with a narrative description and contextual history of the development of postwar housing tracts within the Greater Bakersfield area, generally covering the period 1945-1973. Using the broad themes and context introduced in Caltrans’ *Tract Housing in California, 1945-1973* (2011) and the historical context and themes established in the HRER for the Centennial Corridor project as a foundation and expanding on historical information collected for other nearby transportation projects, the new study will provide specific historical information on the major tract housing developments in the City and the immediate surrounding unincorporated area. The fact-based, objective study will be prepared by a historian or architectural historian who meets the Secretary of the Interior’s Professional Qualification Standards for Archaeology and Historic Preservation (36 CFR Part 61). The resulting study will profile the various key tract postwar

developments. Such a study may include historical information gathered from a variety of sources, including period newspapers, local government planning documents and reports, historic photographs, and personal communications, among others. Caltrans CSO will submit the narrative report, that will be no less than fifty pages (minus attachments), to the SHPO for a 30-day review and comment period. Following the 30-day review, the District will take into consideration any comments the SHPO provided and finalize the report. Upon its completion, the report shall be distributed, at a minimum, to the Regional Information Center at CSU-Bakersfield, the City of Bakersfield Beale Library California Room, Kern County Planning and Community Development Department, City of Bakersfield Planning Division, Kern County Museum, Office of Historic Preservation, the District, and Caltrans Headquarters Library and History Center.

2. The City will place the above context onto a City-maintained website that will be accessible to the public. The City shall create the website prior to construction and/or within two years of execution of this Agreement and maintain the website through construction of the project and/or a minimum of five years, whichever is longer.
3. The City, in consultation with the District, will incorporate hardscape and landscape features that are compatible and/or sympathetic with the general character of the Rancho Vista Historic District, including color and texture. City will provide District PQS with landscape plans for review during the design phase for the project. Should the District and City fail to agree on the appropriateness of the proposed landscaping plan the District will submit a summary of the disagreement to SHPO and CSO for a 30-day comment period. District and City will consider all comments received prior to finalizing the landscape plans and provide a written response to CSO and SHPO within 15 days. If the parties cannot resolve the dispute regarding landscape plans, continued resolution will proceed in accordance with Stipulation V.C of this agreement.

**III. TREATMENT OF HUMAN REMAINS OF NATIVE AMERICAN ORIGIN**

As legally mandated, human remains and related items discovered during the implementation of the terms of this Agreement and the Undertaking will be treated in accordance with the requirements of Health and Safety Code Section 7050.5(b). If pursuant to of Health and Safety Code Section 7050.5(c) the coroner determines that the human remains are or may be those of a Native American, then the discovery shall be treated in accordance with the provisions of Public Resources Code Sections 5097.98 (a)-(d). Caltrans, as the landowner, shall ensure that, to the extent permitted by applicable law and regulation, the view of the Most Likely Descendent(s), as determined by the California Native American Heritage Commission, is taken into consideration when decisions are made about the disposition of Native American human remains and associated objects.

**IV. POST-REVIEW DISCOVERIES AND UNANTICIPATED EFFECTS**

If Caltrans determines after construction of the project commences that the Undertaking will affect a previously unidentified historic property or affect a known historic property in an unanticipated manner, Caltrans will address the discovery and/or unanticipated effect in accordance with Stipulation XV.B.1-4 of the Section 106 PA. The Registered Engineer (RE) or his representative will stop all work within a 60-foot radius of a discovery or effect in accordance with Caltrans Specifications for archaeological resources discovered during construction.

**V. ADMINISTRATIVE PROVISIONS**

**A. Definitions**

The definitions provided at 36 CFR § 800.16 are applicable throughout this Agreement.

**B. Professional Qualifications Standards (PQS)**

1. District PQS will ensure that the actions and products required by Stipulation II of this Agreement will be carried out by or under the direct supervision of persons meeting the *Secretary of the Interior's Professional Qualification Standards for Archeology and Historic Preservation (36 CFR Part 61) (PQS)* in the relevant field of study.
2. All written documentation prescribed by Stipulation II of this Agreement shall conform to the *Secretary of the Interior's Guidelines Standards for the Treatment of Historic Properties* (<http://www.nps.gov/tps/standards.htm>).

**C. Resolving Objections**

Should any party to this Agreement object at any time in writing to the manner in which the terms of this Agreement are implemented, to any action carried out or as proposed with respect to its implementation, Caltrans shall immediately notify the other parties of the objection, request their comments on the objection within (15) calendar days, following receipt of Caltrans notification, and proceed to consult with the objecting party for no more than thirty (30) days to resolve the objection. If such objection cannot be resolved within the thirty (30) day timeframe, Caltrans will:

1. Forward all documentation relevant to the dispute, including Caltrans' proposed resolution, to the Advisory Council on Historic Preservation (ACHP). Caltrans will also provide a copy to all signatories and concurring parties. The ACHP will provide Caltrans with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, Caltrans will prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories, and concurring parties, and provide them with a copy of this written response. Caltrans will then proceed according to its final decision.

2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, Caltrans may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, Caltrans will prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to this Agreement, and provide them and the ACHP with a copy of such written response.
3. Caltrans responsibilities to carry out all other actions subject to the terms of this Agreement that are not subject of the dispute remain in effect.

**D. Amendments**

Any signatory party to this Agreement may propose that this Agreement be amended, whereupon all signatory parties shall consult to consider such amendment. The amendment will be effective on the date a copy signed by all of the original signatories is filed with the ACHP. If the signatories cannot agree to appropriate terms to amend this Agreement, any signatory may terminate the agreement in accordance with Stipulation IV.E.3 below.

**E. Termination**

1. If this Agreement is not amended as provided for in Stipulation V.D of this agreement, or if a signatory proposes termination of this Agreement for other reasons, the signatory party proposing termination shall, in writing, notify the other parties, explain the reasons for proposing termination, and consult with the other parties for at least 30 days to seek alternatives to termination. Such consultation shall not be required if Caltrans proposes termination because the Undertaking no longer meets the definition set forth in 36 CFR § 800.16(y).
2. Should such consultation result in an agreement on an alternative to termination, the signatory parties shall proceed in accordance with that agreement.
3. Should such consultation fail, the signatory party proposing termination may terminate this Agreement by promptly notifying the other parties in writing. Termination hereunder shall render this Agreement without further force or effect.
4. If this Agreement is terminated hereunder, and if Caltrans determines that the Undertaking will nonetheless proceed, then Caltrans shall comply with the requirements of the Section 106 PA.

**F. Duration of Agreement**

1. Unless terminated pursuant to Section E. of this stipulation, or unless it is superseded by an amended Agreement, this Agreement will be in effect following execution by the signatory parties until Caltrans, in consultation with the other signatory parties, determines that all of its stipulations have been satisfactorily fulfilled.

2. The terms of this Agreement shall be satisfactorily fulfilled within ten (10) years following the date of execution by the signatory parties, unless otherwise specified. If Caltrans determines that this requirement cannot be met, the parties to Agreement will consult to reconsider its terms. Reconsideration may include continuation of the Agreement, as originally executed, or amendment or termination of the Agreement.
3. If the Undertaking has not been implemented within ten (10) years following execution of this Agreement, it shall automatically terminate and have no further force or effect. In such event, Caltrans shall notify the other signatory parties in writing and, if it chooses to continue with the Undertaking, shall reinstate review of the Undertaking in accordance with 36 CFR Part 800.

**G. Effective Date**

This Agreement will take effect on the date that it is signed by both Caltrans and the SHPO.

**EXECUTION** of this Agreement by Caltrans and the SHPO and subsequent implementation of its terms, shall evidence that in accordance with the Section 106 PA Caltrans has taken into account the effects of the Undertaking on historic properties.

MEMORANDUM OF AGREEMENT

BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE  
CALIFORNIA STATE HISTORIC PRESERVATION OFFICER REGARDING THE  
CENTENNIAL CORRIDOR PROJECT, CITY OF BAKERSFIELD, KERN COUNTY,  
CALIFORNIA

SIGNATORY PARTIES

California Department of Transportation

By: Katrina C. Pierce Date: 12/24/14  
Katrina Pierce, Chief  
Division of Environmental Analysis

California State Historic Preservation Officer

By: Carol Roland-Nawi Date: 1/6/15  
for Carol Roland-Nawi, Ph.D  
State Historic Preservation Officer

MEMORANDUM OF AGREEMENT

BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE  
CALIFORNIA STATE HISTORIC PRESERVATION OFFICER REGARDING THE  
CENTENNIAL CORRIDOR PROJECT, CITY OF BAKERSFIELD, KERN COUNTY,  
CALIFORNIA

CONCURRING PARTIES

California Department of Transportation

By: Sharri Bender Ehlert Date: 1/7/2015  
Sharri Bender Ehlert  
District Director  
District 6, Fresno

City of Bakersfield

By: N. J. Hall Date: 1/9/15  
City of Bakersfield  
Public Works Director



# Appendix K Kaiser Realignment

During the public circulation period of the draft environmental document, Caltrans and the city of Bakersfield received a letter from Peterson Law Group on behalf of Kaiser Foundation Health Plan, Inc. (Kaiser), dated July 7, 2014, describing various concerns in regard to the proposed Centennial Corridor Project. See comment GP-9 in Volume 3 of this final environmental document for the letter from Peterson law Group. Due to these concerns, preliminary design plans for Alternative B were modified to avoid direct impacts to the Kaiser Health Care Center. The preliminary design revisions that would avoid impacts on the Kaiser medical offices are depicted in this Appendix. These revisions would significantly increase the distances between the Kaiser facility and the project improvements, creating an 80-foot buffer between the medical facility’s parking lot and the proposed alignment. No obstructions associated with the Centennial Corridor Project will block Kaiser Health Care Center driveways, and no modifications would be made to change the configuration of the existing driveways. In addition, the modified design will not require property or temporary construction easements on Kaiser’s property.

**Parking:** With the modified alignment in place, there would be no loss of parking, either permanently or during construction under the revised project design.

**Freeway Access:** Overall reduction in traffic congestion brought about by the completed project is anticipated to enhance overall access to the Kaiser property and will result in a safer transportation network system in the area immediately surrounding the health care facility due to traffic on adjacent streets shifting towards the new freeway (Alternative B), thereby reducing congestion in the area. Changes in travel patterns due to the permanent closure of freeway ramps near the Kaiser facility will likely slightly increase travel distances, but the result will be only minor increases in travel time to and from the Kaiser facility for its health care professionals and members. Overall, the increase in travel time resulting from the project would be offset by long-term, widespread benefits, when taking into account the reductions in regional traffic congestion brought about by the project. Decreased travel times in high congestion travel corridors will lead to an overall reduction in harmful emissions by reducing idling. Increased idling times on the local streets would occur under the No Build conditions. It is important to note that idling times would dramatically raise the particulate matter quantities for the No-Build with most concentrations added along Rosedale and Stockdale Highways.

See Exhibits 3 and 4, below, which show existing and post-project (Alternative B) travel patterns to and from the Kaiser facility from State Route 99 and State Route 58. Also, Table 1 below compares existing and post-project (Alternative B) travel times to and from the Kaiser facility. As shown in Table 1, the additional travel time to and from the Kaiser facility is relatively modest from both highways. The results of the analysis indicate that to reach the Kaiser facility from southbound State Route 99, the additional travel time would be approximately 1 minute. From other access routes, travel time increases would range from 30 seconds to a maximum of 1.5 minutes. Under no-build conditions (in which the Stockdale off-ramp remains), travel time would increase due to increasing congestion on State Route 99 by 397.43 million person hours per year by 2038, as shown in Table 3-17 from the Traffic Study, Volume 1. However, the increase in travel time resulting from implementation of the project would be offset by the project’s long-term benefits, given the anticipated overall reduction in regional traffic congestion resulting from implementation of the Centennial Corridor project.

Hall Ambulance Service, Inc., was contacted to obtain actual travel times for service between the Kaiser facility and frequent destinations. Table 2 below lists the frequency of service calls by origin-destination pair for calendar years 2012, 2013, and 2014 through October 14. Trips between the Kaiser facility and San Joaquin Community Hospital are by far the most frequently requested service.

Hall Ambulance has furnished a log of travel times between the Kaiser facility and San Joaquin Community Hospital, the nearest full service hospital, for the period from September 14, 2014 to October 14, 2014. As shown on Table 3 below, Hall responded to 58 service requests during this time period, reportedly a fairly typical month. The ambulances followed eight different routes, four of which used surface streets only, and four used State Route 99 in combination with surface streets. The weighted average of all 39 trips made using State Route 99 for a portion of the trip was 11 minutes and 46 seconds. The weighted average of all 19 trips made using only surface streets was 12 minutes and 13 seconds. These results suggest that the loss of direct access to State Route 99 will not have a significant impact on service times for trips between the Kaiser facility and San Joaquin Community Hospital.

**Urgent Care Operations:** As discussed in Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities, in Volume 1, emergency vehicle access for police, fire protection, and emergency services would be maintained at all times during construction. Law enforcement, fire, and emergency services could

experience slightly increased response times because of construction-related road closures, temporary detours, and increased traffic congestion. It is not expected that temporary road closures would result in more than 1 mile of out-of-direction travel because nearby alternative route(s) would be maintained and identified as part of the detour plans.

Kaiser expressed a general concern that the loss of the State Route 99 southbound off-ramp, the Stockdale Highway off-ramp, would create a great hardship for Kaiser and its members and would significantly impact the value and viability of the health care facility. Removing the State Route 99 southbound off-ramp would enhance freeway operations. The purpose of the project is to reduce heavy traffic congestion on State Route 58, which includes the portion near the Kaiser Facility, and to provide enhanced route continuity between two major freeways that serve the southern San Joaquin Valley. The project is specifically designed to enhance regional transportation as well as to address long-term capacity issues that have burdened east-west travel within the city. Under Alternative B (Preferred Alternative), the Kaiser facility will sit close to these two major highways, a location that should provide substantial improvements to the area's traffic circulation and ease congestion on the local streets adjacent to the Kaiser facility.

Caltrans has analyzed potential impacts on urgent care services at the Kaiser facility. The Centennial Corridor project includes improvements to the way vehicles access State Route 99 and State Route 58, and the final environmental document found that these improvements, once implemented, would result in minor changes to travel times experienced by emergency service providers, as discussed in Section 3.1.5 of Volume 1 of this document (Utilities/Emergency Access). The final environmental document found that these changes would not adversely affect emergency response times. The Centennial Corridor Project would also reduce congestion and bring about potentially faster overall response times. As discussed in Section 3.1.6 of Volume 1 of the final environmental document (Traffic and Transportation/ Pedestrian and Bicycle Facilities), the traffic studies for the Centennial Corridor Project show better traffic flow for all vehicles due to direct route continuity. For example, with project implementation, the nearby intersection to the Kaiser facility at Real Road and Stockdale Highway will operate at a level of service D in 2018 as compared to the No Build scenario where the same intersection would operate at a level of E. The Centennial Corridor Project will also provide additional capacity that would help reduce congestion on adjacent local roadways since significant traffic volumes are expected to shift to the freeways.

**Air Quality:** Though air quality impacts have been determined not to be significant, the increased travel distances associated with the potential design revisions described in the Freeway Access and Parking subheadings above, would further attenuate emissions at the Kaiser facility. The project's objective of reducing heavy traffic congestion on State Route 58, including areas of the highway located near the Kaiser facility, should also provide air quality benefits to the area because of the reduction of stop-and-go traffic. In addition, Caltrans has entered in a Voluntary Emission Reduction Agreement with the San Joaquin Valley Air Pollution Control District to provide proposed improvements to local air quality within the project area. As part of the Voluntary Emission Reduction Agreement, Caltrans will provide funds to the San Joaquin Valley Air Pollution Control District, who will administer the programs. A copy of the Voluntary Emission Reduction Agreement can be found in Appendix L, of this Volume of the final environmental document. Caltrans will continue to coordinate with the San Joaquin Valley Air Pollution Control District throughout the project development process to assist in implementing air quality improvements for the community and other air quality-related requirements during the construction of the project.

**Safety:** All construction-related activities in the vicinity of the Kaiser facility will be monitored contractually by a technical expert for site safety. A construction site safety plan will be implemented and monitored for compliance with all applicable safety requirements on an ongoing basis during construction. As the project is a federally funded and future state-sponsored transportation facility, all requirements governing safety, health and sanitation will be strictly enforced in accordance with 23 Code of Federal Regulations 635.

**Vibration:** Generally, there is little potential for building damage from vibration impacts to occur when major construction activities take place at a distance of 30 feet or more from existing structures. At the closest point, major construction activities will not take place within a minimum of 100 feet from the Kaiser facility, so no damage from vibrations is anticipated.

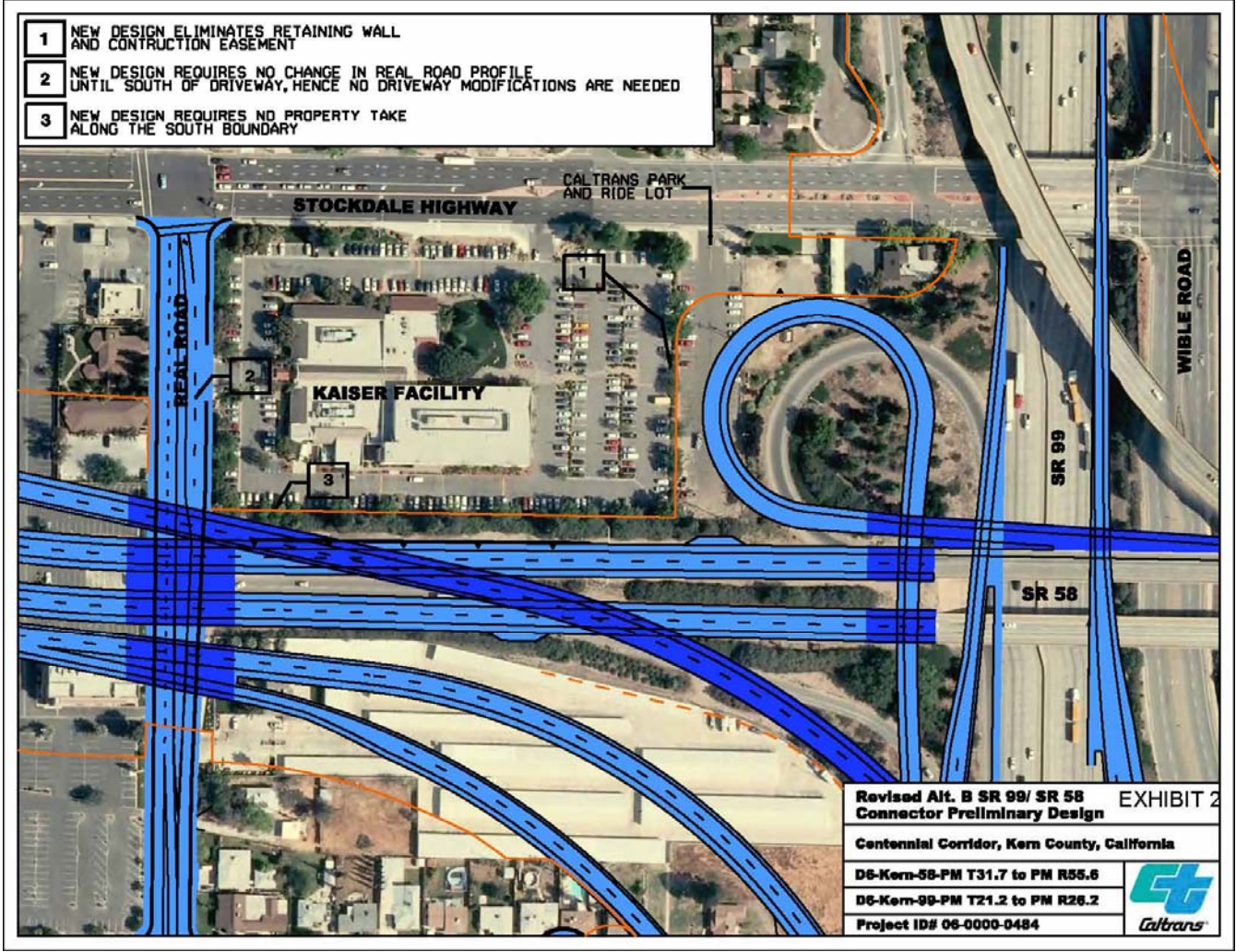
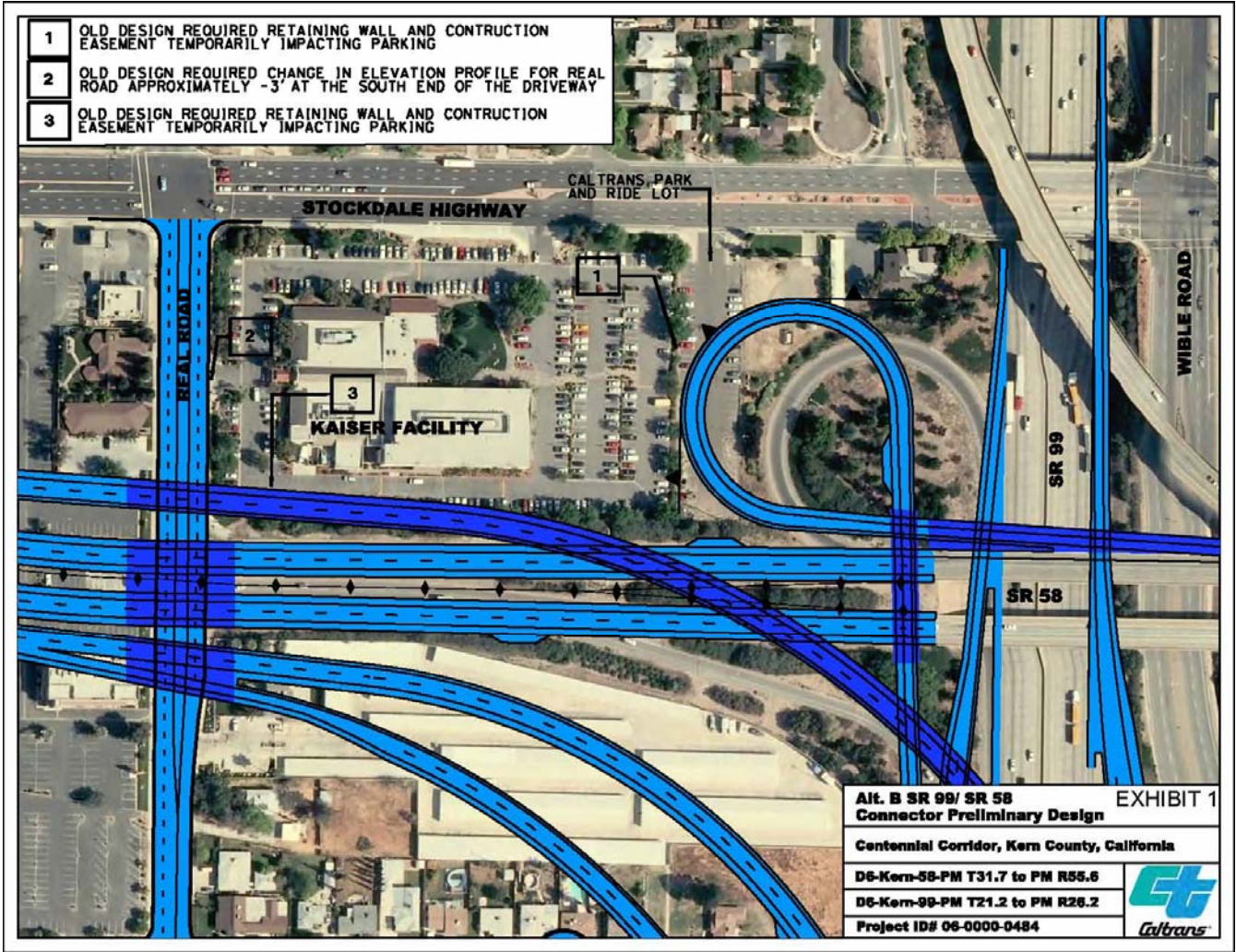
The project will be designed in accordance with Caltrans' Seismic Design Criteria to ensure insulation of new support structures and minimize post-construction vibration. Pre-construction building inspections would occur in accordance with Caltrans' Standard Condition SC-CI-25. Additional measures to mitigate and minimize vibration impacts are included in the Environmental Commitments Record for Preferred Alternative B (see Appendix F of this Volume).

**Noise:** The Kaiser facility is close to State Route 99 in an area with high ambient noise levels. Most construction activities at a 100-foot distance fall below these levels and would not be considered to be disproportionate to the existing conditions. A few activities might create temporary sounds that exceed the ambient levels, but could be abated through the use of various measures such as adding mufflers to internal combustion engines on construction vehicles. Additionally, the Kaiser Health Care Center at 3501 Stockdale Highway in Bakersfield would not be negatively affected if noise impacts increased during nighttime construction since patients and staff are not there at night. Thus, another noise abatement measure for the Kaiser facility would be to minimize noise impacts during daytime hours. A construction noise and vibration monitoring and mitigation plan will be prepared before the start of construction to predict construction noise levels during different phases of the construction activity and to identify proper abatement measures, including the use of temporary noise barriers, outdoor sound curtains or sound curtain noise barriers. These measures typically reduce equipment noise levels by 15 to 22 dBA. Based on these noise abatement measures, Caltrans is confident that the noise levels associated with construction equipment will be adequately reduced and there will be no adverse impacts on the Kaiser facility.

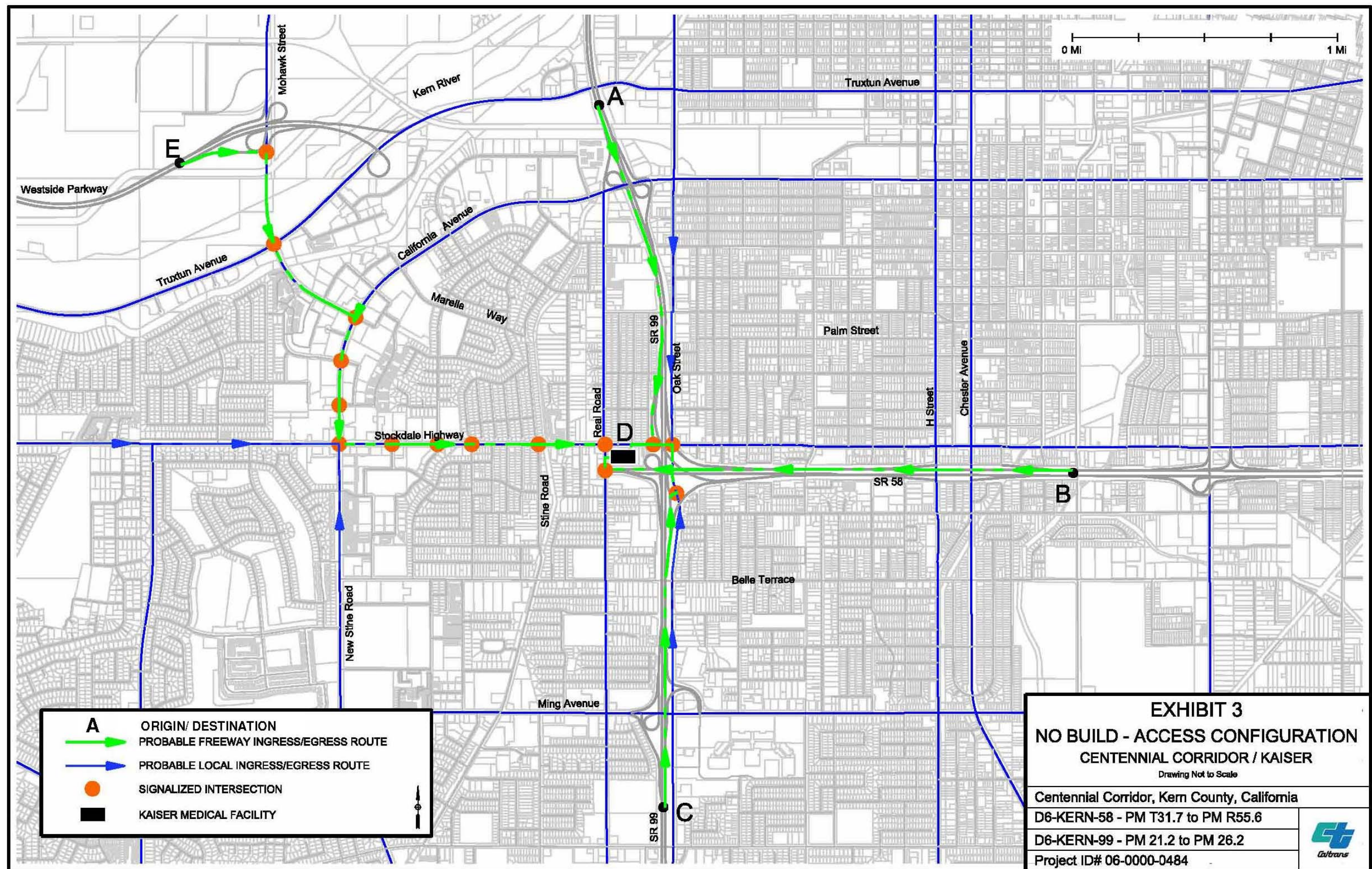
**Visual/Aesthetics:** The proposed realignment of Alternative B will significantly contribute to minimizing any adverse visual impacts on the Kaiser facility.

Responses to Kaiser's comments to Caltrans, dated July 7, 2014, are included in Volume 3 of this document, identified as GP-9.











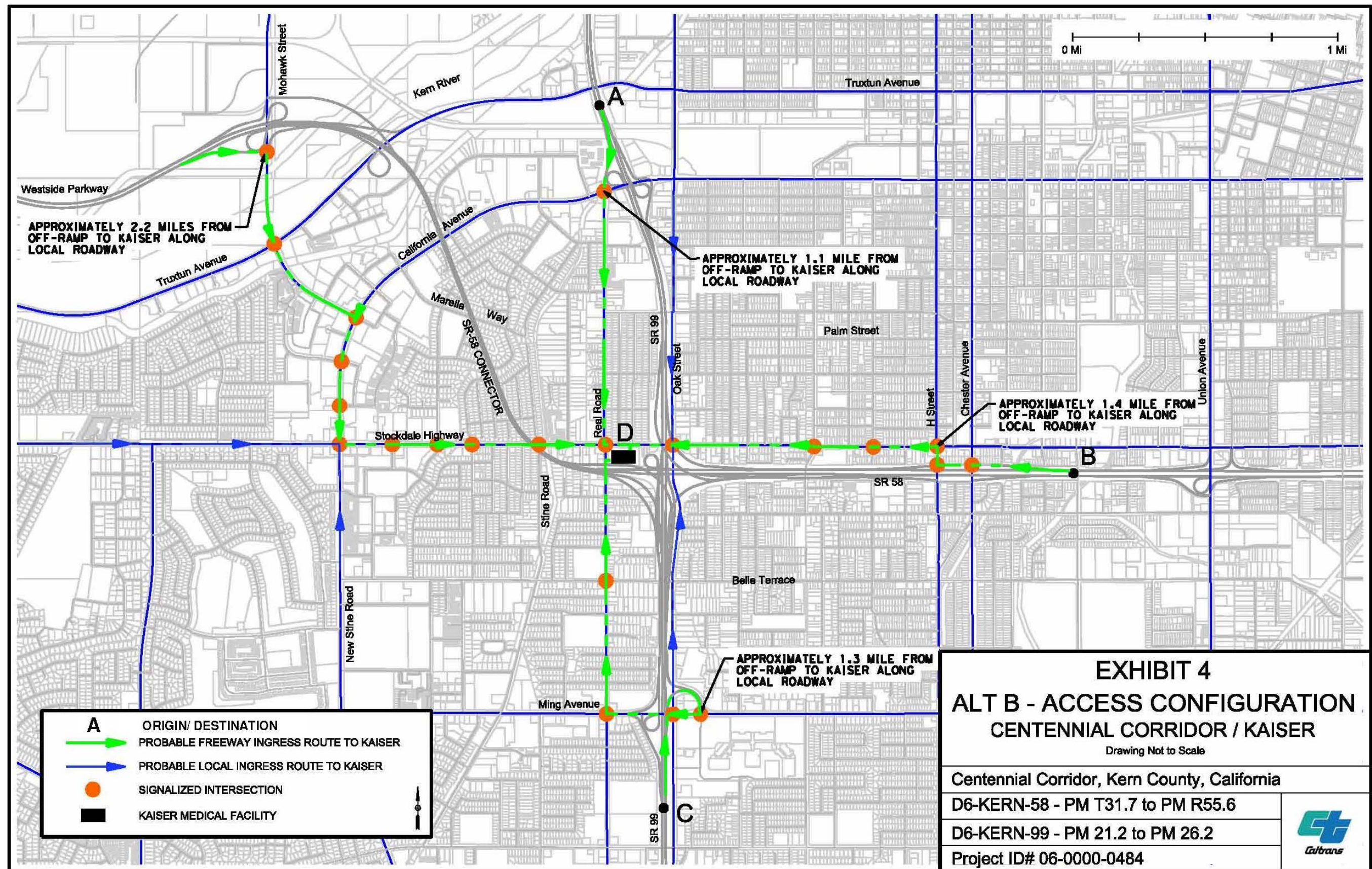




Exhibit 5: Representative Sound Wall Blanket Photograph



Table 1: Kaiser Facility Travel Time Summary

ROUTE LOCATION <sup>1</sup>	SCENARIO	AM PEAK HOUR <sup>2</sup>	NOON <sup>2</sup>	PM PEAK HOUR <sup>2</sup>	EVENING <sup>2</sup>
AD AD	2015 MODEL	0:01:26	0:01:35	0:01:47	0:01:31
	2037 NOBUILD	0:01:33	0:02:05	0:02:23	0:01:58
	2037 BUILD	0:02:22	0:02:24	0:02:31	0:02:22
DA DA	2015 MODEL	0:02:27	0:02:29	0:02:31	0:02:28
	2037 NOBUILD	0:02:49	0:02:57	0:02:53	0:02:52
	2037 BUILD	0:02:56	0:03:00	0:03:03	0:02:59
BD BD	2015 MODEL	0:02:16	0:03:19	0:04:01	0:02:54
	2037 NOBUILD	0:04:30	0:04:13	0:02:57	0:04:19
	2037 BUILD	0:04:13	0:04:19	0:05:04	0:04:13
DB DB	2015 MODEL	0:04:04	0:02:35	0:02:44	0:02:46
	2037 NOBUILD	0:03:26	0:03:46	0:04:39	0:02:53
	2037 BUILD	0:04:18	0:04:27	0:04:48	0:04:13
CD CD	2015 MODEL	0:02:11	0:02:10	0:02:12	0:02:10
	2037 NOBUILD	0:02:37	0:02:39	0:02:33	0:02:33
	2037 BUILD	0:03:30	0:03:31	0:03:36	0:03:31
DC DC	2015 MODEL	0:03:43	0:02:27	0:02:37	0:02:37
	2037 NOBUILD	0:03:15	0:03:48	0:04:10	0:02:51
	2037 BUILD	0:03:20	0:03:21	0:03:28	0:03:21
ED ED	2015 MODEL	0:05:01	0:05:45	0:05:55	0:06:32
	2037 NOBUILD	0:07:13	0:05:45	0:06:01	0:05:42
	2037 BUILD	0:04:57	0:04:56	0:05:03	0:04:54
DE DE	2015 MODEL	0:05:40	0:06:03	0:06:12	0:06:00
	2037 NOBUILD	0:06:00	0:06:06	0:06:42	0:05:58
	2037 BUILD	0:05:19	0:05:24	0:05:34	0:05:22

<sup>1</sup> See Exhibit 3 & 4 for route end point locations  
<sup>2</sup> Expressed in hours, minutes, and seconds (hh:mm:ss)

Table 2: Hall Ambulance Origin-Destination Trip Count  
Kaiser Stockdale Highway by Destination 2012-2014

Trip Count of Call Type by Month Kaiser Stockdale 2012

Destinations	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
BKFLD HEART HOSP	0	0	0	0	0	0	1	0	1	0	0	1	3
KAISER SUNSET	1	0	0	3	0	0	0	0	0	0	0	1	5
KERN MEDICAL CENTER	0	0	1	0	0	1	0	1	0	2	1	0	6
LIFE HOUSE SNF-34TH	1	0	0	0	0	0	0	0	0	0	0	0	1
MEMORIAL HOSPITAL	8	4	6	4	2	2	4	2	3	4	3	10	52
MERCY HOSPITAL	2	1	0	0	0	0	2	0	0	0	3	0	8
SAN JOAQUIN COMM HOSP	51	51	68	48	60	42	50	45	44	52	48	58	617
VISTA DEL MAR MENTAL HOSP	0	0	0	0	0	0	1	0	0	0	0	0	1
Total	63	56	75	55	62	45	58	48	48	58	55	70	693

Trip Count of Call Type by Month Kaiser Stockdale 2013

Destinations	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
BKFLD HEART HOSP	0	0	2	0	0	0	0	0	0	0	0	0	2
KAISER FONTANA	0	0	0	1	0	0	0	0	0	0	0	0	1
KAISER SUNSET	0	0	1	0	0	0	0	1	0	1	0	0	3
KERN MEDICAL CENTER	1	0	1	0	0	0	1	1	0	1	0	1	6
MEMORIAL HOSPITAL	4	3	4	2	1	3	1	1	4	5	3	5	36
MERCY HOSPITAL	0	4	0	0	0	1	0	0	0	0	1	1	7
SAN JOAQUIN COMM HOSP	56	61	90	70	74	60	68	61	57	53	44	57	751
VISTA DEL MAR MENTAL HOSP	0	0	0	0	0	0	0	0	1	0	0	0	1
TOTAL	61	68	98	73	75	64	70	64	62	60	48	64	807

Trip Count of Call Type by Month Kaiser Stockdale 2014

Destinations	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
GOLDEN LIVING CNTR-BKSFELD	1	0	0	0	0	0	0	0	0	0			1
GOOD SAMARITAN HOSPITAL SW	0	0	1	0	0	0	0	0	0	0			1
KAISER BEHAV HLTH	1	0	0	0	0	0	0	0	0	0			1
KAISER SUNSET	1	0	0	0	0	1	0	0	0	0			2
KERN MEDICAL CENTER	1	1	0	0	1	0	2	0	0	0			5
MEMORIAL HOSPITAL	6	2	4	4	2	1	2	2	2	1			26
MERCY HOSPITAL	0	0	0	0	1	0	0	1	0	0			2
SAN JOAQUIN COMM HOSP	61	56	53	55	60	67	73	63	53	29			570
Total	71	59	58	59	64	69	77	66	55	30			

Table 3: Hall Ambulance Response Times Summary

Hall Ambulance provided a report showing transport times and routes used between the Kaiser Stockdale facility and San Joaquin Community Hospital for the period from September 14 and October 14, 2014. Hall Ambulance transported 58 patients during this time period. There were eight route variations- four using surface streets only and four that used State Route 99 in combination with surface streets.

- 32.75% (19) calls were transported via surface streets only
- 67.25% (39) calls were transported via State Route 99/surface streets
- 69% (40) of calls used 24<sup>th</sup> Street

Calls by route:

1. Stockdale Hwy eastbound/Oak Street northbound/21<sup>st</sup> Street eastbound/F Street northbound/26<sup>th</sup> Street eastbound

Number of Calls	Longest Transport Time	Time of Day	Shortest Transport Time	Time of Day	Average Transport Time
4	14:55	Friday 2:04 p.m.	12:11	Monday 5:35 p.m.	13:24

2. Stockdale Hwy eastbound/Oak Street northbound/24<sup>th</sup> Street eastbound/H Street northbound/26<sup>th</sup> Street eastbound

Number of Calls	Longest Transport Time	Time of Day	Shortest Transport Time	Time of Day	Average Transport Time
10	19:08	Wednesday 7:44 p.m.	9:54	Wednesday 10:27 p.m.	11:54

3. Stockdale Hwy eastbound/Oak Street northbound/24<sup>th</sup> Street eastbound/ Chester Avenue northbound/26<sup>th</sup> Street westbound

Number of Calls	Longest Transport Time	Time of Day	Shortest Transport Time	Time of Day	Average Transport Time
3	12:01	Monday 7:36 p.m.	9:11	Thursday 3:56 p.m.	10:31

4. Stockdale Hwy eastbound/H Street northbound/26<sup>th</sup> Street eastbound

Number of Calls	Longest Transport Time	Time of Day	Shortest Transport Time	Time of Day	Average Transport Time
2	9:59	Saturday 7:19 p.m.	9:33	Friday 9:10 p.m.	9:46

5. Stockdale Hwy eastbound/Hwy 99 northbound/24<sup>th</sup> Street eastbound/F Street northbound/26<sup>th</sup> Street eastbound

Number of Calls	Longest Transport Time	Time of Day	Shortest Transport Time	Time of Day	Average Transport Time
4	11:20	Thursday 1:48 p.m.	9:18	Saturday 10:54 p.m.	9:59

6. Stockdale Hwy eastbound/Hwy 99 northbound/24<sup>th</sup> Street eastbound/H Street northbound/26<sup>th</sup> Street eastbound

Number of Calls	Longest Transport Time	Time of Day	Shortest Transport Time	Time of Day	Average Transport Time
23	24:07	Saturday 4:35 p.m.	8:48	Wednesday 11:09 p.m.	11:10

7. Stockdale Hwy eastbound/Hwy 99 northbound/Golden State eastbound/F Street southbound/26<sup>th</sup> Street eastbound

Number of Calls	Longest Transport Time	Time of Day	Shortest Transport Time	Time of Day	Average Transport Time
10	16:41	Thursday 4:42 p.m.	9:03	Wednesday 8:40 p.m.	12:13

8. Stockdale Hwy eastbound/Hwy 99 northbound/Golden State eastbound/Chester Ave southbound/26<sup>th</sup> St westbound

Number of Calls	Longest Transport Time	Time of Day	Shortest Transport Time	Time of Day	Average Transport Time
2	17:59	Monday 4:32 p.m.	10:23	Wednesday 4:10 p.m.	14:11

Transports by time of day

Time of Day	9 am-12 p.m.	12:01-3 p.m.	3:01-6 p.m.	6:01-8 p.m.	8:01-12 a.m.
Number of transports	6	9	16	8	19
Longest transport time Route used	12:56/ #1	14:55 #2	24:07 #6	19:08 #2	11:25 #2
Shortest transport time Route used	10:22 #3	9:05 #2	9:11 #3	9:59 #4	8:32 #2





# Appendix L Voluntary Emission Reduction Agreement

1 **VOLUNTARY EMISSION REDUCTION AGREEMENT 20140259**  
2 This Voluntary Emission Reduction Agreement ("Agreement") is entered into as  
3 of November 13, 2014 by and between CALTRANS and the SAN JOAQUIN VALLEY  
4 UNIFIED AIR POLLUTION CONTROL DISTRICT, an air pollution control district  
5 formed pursuant to California Health and Safety Code section 40150, et seq.  
6 ("District").  
7  
8 **RECITALS**  
9 **WHEREAS**, CALTRANS is proposing to build the CENTENNIAL CORRIDOR  
10 (Project) located in the city of Bakersfield in Kern County, California, as more  
11 particularly described on Exhibit A attached hereto in 2017; and  
12 **WHEREAS**, the Project incorporates the design features specified on Exhibit B  
13 attached hereto and incorporated herein ("Emission Reduction Design Features"), in  
14 order to reduce the air quality impacts associated with the Project; and  
15 **WHEREAS**, CALTRANS has volunteered additional emission reductions as a  
16 means of further reducing impacts on air quality; and  
17 **WHEREAS**, CALTRANS desires to fully comply with all requirements of the  
18 California Environmental Quality Act codified at California Public Resources Code  
19 section 21000, et seq. ("CEQA") and the National Environmental Policy Act ("NEPA"),  
20 including all requirements relating to the mitigation of air quality impacts arising from or  
21 in connection with the Project; and  
22 **WHEREAS**, District is an air pollution control district formed by the counties of  
23 Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare, pursuant to  
24 California Health and Safety Code section 40150, et seq.; and  
25 **WHEREAS**, District is responsible for developing and implementing air quality  
26 control measures within the District Boundaries, including air quality control measures  
27 for stationary sources, transportation sources, and indirect sources; and  
28

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Fresno, CA 93726  
(559) 230-6000

1 **WHEREAS**, the District's incentive programs have been developed around  
2 several core principles, including cost-effectiveness, integrity, effective program  
3 administration, excellent customer service, the efficient use of District resources, fiscal  
4 transparency and public accountability; and  
5 **WHEREAS**, the District's incentive programs are regularly audited by  
6 independent outside agencies including professional accountancy corporations on  
7 behalf of the federal government, the California Air Resources Board (ARB), the  
8 California Department of Finance and the California Bureau of State Audits; and  
9 **WHEREAS**, District has determined that with appropriate funding, District can  
10 provide reductions of emissions through its incentive programs from certain projects in  
11 types and in sufficient quantities to fully mitigate criteria pollutant construction  
12 emissions from the Project as presented in Paragraph 1 below ("Full Mitigation of  
13 Criteria Pollutant Construction Emissions") and provide a betterment of air quality in the  
14 project area and greater Bakersfield area as presented in Paragraph 2 below  
15 ("Additional Emissions Reductions for Betterment of Air Quality"); and  
16 **WHEREAS**, CALTRANS and District desire to enter into this Agreement in  
17 which CALTRANS will provide the District \$1.5 million in Air Quality Funds in order to  
18 develop and implement Emission Reduction Projects through Funding Agreements with  
19 owners or operators of pollution source equipment. This Agreement will do both of the  
20 following:  
21 a) Fully mitigate criteria pollutant construction emissions from the Project, as  
22 presented in Paragraph 1 below ("Full Mitigation of Criteria Pollutant Construction  
23 Emissions") with an estimated \$695,000 investment in Emission Reduction Projects.  
24 As a result of the implementation of this Agreement, the development of the Project will  
25 result in no net increase in criteria pollutant emissions over the criteria pollutant  
26 emissions which would otherwise exist without the development of the Project.  
27 b) Achieve betterment of air quality with further emissions reductions beyond  
28 those necessary to fully mitigate criteria pollutant construction emissions from the

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1 Project, as presented in Paragraph a) above, with an estimated additional \$805,000  
2 investment in Emission Reduction Projects. As a result of the implementation of this  
3 Agreement, the development of the Project will result in a betterment of air quality in  
4 the project area and greater Bakersfield area, as presented in Paragraph 2 below  
5 ("Additional Emissions Reductions for Betterment of Air Quality").

7 **AGREEMENT**

8 **NOW THEREFORE**, in exchange of the mutual covenants herein contained,  
9 CALTRANS and District hereby agree as follows:

10 **1. Full Mitigation of Criteria Pollutant Construction Emissions**

11 CALTRANS shall fully mitigate the project's criteria pollutant construction  
12 emissions by achieving surplus, quantifiable and enforceable emission reductions in  
13 the amount of 52.68 tons of NOx, 3.71 tons of VOC/ROG, and 15.65 tons of PM10 in  
14 accordance with paragraphs 2 through 4. "Surplus" emission reductions are reductions  
15 that are not otherwise required by existing laws or regulations.

16 For the purpose of this agreement, full mitigation means the emission reductions  
17 achieved by the mitigation measures equals, or is greater than, the sum of all NOx,  
18 VOC/ROG, and PM10 emissions specified in the environmental review document  
19 certified by the Lead Agency when approving the Project.

20 CALTRANS shall provide sufficient Air Quality Funds to the District to execute  
21 Emission Reduction Projects through the District's Incentive Programs to fully mitigate  
22 the Project emissions as described above. The District estimates that \$695,000 will be  
23 sufficient Air Quality Funds to fully mitigate the Project emissions as described above.

24 **2. Additional Emissions Reductions for Betterment of Air Quality**

25 To achieve a betterment of air quality in the project area and greater Bakersfield  
26 area, CALTRANS shall provide emissions reductions beyond those necessary to fully  
27 mitigate the project's criteria pollutant construction emissions, as presented in  
28 Paragraph 1 above ("Full Mitigation of Criteria Pollutant Construction Emissions").

1 The District shall use the remainder of the \$1.5 million total Air Quality Funds,  
2 after satisfying Paragraph 1 ("Full Mitigation of Criteria Pollutant Construction  
3 Emissions"), to execute further Emission Reduction Projects through the District's  
4 Incentive Programs to achieve a betterment of air quality in the vicinity of the project.  
5 All emission reduction projects funded under this paragraph will provide betterment of  
6 air quality in the area, by offsetting construction and operation emissions occurring in  
7 the vicinity of the new highway segment and existing highway segments that will be  
8 adding capacity. The District estimates that \$805,000 will be available for this  
9 betterment of local air quality.

10 **3. Timing of Air Quality Funds**

11 CALTRANS shall provide \$1.5 million in Air Quality Funds to the District to  
12 execute Emission Reduction Projects through the District's Incentive Programs before  
13 occurrence of the first project related emissions generating activity for Project.

14 **4. Mitigation and Air Quality Betterment**

15 District shall credit CALTRANS for all air quality mitigation and air quality  
16 betterment brought about by this Agreement, including any emission reductions District  
17 achieves prior to the date CALTRANS grants final approval of the Project.

18 Emissions reduction cost estimates under this VERA are based on the District's  
19 cost per ton set forth below in Table 1 (Emission Reduction Cost Schedule).

Table 1 Emission Reduction Cost Schedule	
Criteria Pollutants	Construction Rate \$/ton
NOx or VOC/ROG	\$9,350
PM10	\$9,011

24 These per-ton costs are not a guarantee and only an estimate, but the District  
25 shall use every reasonable effort to accomplish average per-ton costs no higher than  
26 these Table 1 costs. The Table 1 per-ton costs are derived from District Rule 9510  
27 (Indirect Source Review) and are subject to change through the District's formal public  
28 procedures for amending these rules. Consistent with District Rule 3180



1 (Administrative Fees for Indirect Source Review), the Air Quality Fund estimates  
2 include an additional administrative cost equal to four percent (4%) of the emission  
3 reduction estimate.

4       **5. Excess Emission Reductions**

5       All emission reductions achieved by District through this Agreement that exceed  
6 the amount of required emission reductions to fully mitigate the Project's construction  
7 emissions of criteria pollutants ("Excess Emission Reduction") shall be applied towards  
8 the betterment of air quality in the Project area.

9       **6. Refunds**

10       Upon verification by District that the Project's construction emissions of criteria  
11 pollutants have been fully mitigated, District shall apply all remaining funds towards the  
12 betterment of air quality for Project. No refunds shall be made to CALTRANS.

13       **7. District Rule 9510 (Indirect Source Review)**

14       CALTRANS acknowledges that except as provided for in this Agreement,  
15 CALTRANS is subject to all applicable provisions of District Rule 9510 (Indirect Source  
16 Review), that are in effect at the time of submitting an Air Impact Assessment  
17 Application in accordance with Paragraph 6.1 ("Rule 9510 Equivalency"). District  
18 acknowledges that to the extent that mitigation provided under this Agreement equals  
19 or exceeds mitigation that would otherwise be achieved through compliance with  
20 Sections 6.0 and 7.0 of District Rule 9510, CALTRANS shall be considered to be in  
21 compliance with Sections 6.0 and 7.0 of District's Rule 9510.

22       **7.1 Rule 9510 Equivalency**

23       CALTRANS shall submit to District an Indirect Source Review (ISR) Air Impact  
24 Assessment Application. District shall calculate the amount of emission reductions  
25 required pursuant to District Rule 9510 (Indirect Source Review) and verify equivalency  
26 of emission reductions achieved under this Agreement.

27       ///

28       ///

1       **8. District's Obligation**

2       **8.1 Funding Agreements**

3       District shall use diligent efforts to enter into Funding Agreements for Emission  
4 Reduction Projects with owners and/or operators of pollution source equipment within  
5 one hundred eighty (180) days of the District's receipt of Air Quality Funds.

6       **8.2 Oversight of Funding Agreements**

7       District shall ensure that the owners/operators of equipment subject to Funding  
8 Agreements perform all obligations to be performed on the part of such parties under  
9 said Funding Agreements.

10       **8.3 Documentation, Record Keeping and Monitoring**

11       District shall document, keep adequate records on and monitor the emission  
12 reductions brought about as a result of this Agreement, and shall, upon written request  
13 by CALTRANS or by the lead agency for the Project, provide CALTRANS written  
14 reports verifying achieved emission reductions and/or emission reductions being  
15 brought about to fully mitigate Project related impacts on air quality.

16       **8.4 Achievement of Emission Reductions**

17       For and in exchange of CALTRANS's payment of funds, District shall ensure, by  
18 way of entering into, funding and enforcing the Funding Agreements in accordance with  
19 the provisions of Paragraph 7.2 (Oversight of Funding Agreements), that the Project  
20 achieves the required emission reductions and air quality betterment to the extent  
21 specified in this Agreement.

22       **8.5 Acknowledgement of Full Mitigation and Betterment of Air Quality**

23       Within 90 days of completion and funding of all Funding Agreements associated  
24 with the Project, District shall verify in writing to CALTRANS of the quantity of the  
25 emissions reductions achieved.

26       ///

27       ///

28       ///

1       **9. Subsequent Litigation, Legislation and/or Administrative Action /**  
2       **Credit to CALTRANS**  
3       In the event that despite this Agreement, CALTRANS is required as a result of a  
4 final judgment or District Approved Settlement (as defined below) in any third party  
5 litigation, to pay monies in addition to the monies to be paid by CALTRANS pursuant to  
6 this Agreement, then District shall acknowledge and credit CALTRANS with the  
7 emission reductions achieved pursuant to this Agreement and any additional emission  
8 reductions that will result from payment of such additional monies. For purposes of this  
9 Paragraph, a "District Approved Settlement" shall mean a settlement of a lawsuit filed  
10 pursuant to CEQA, the National Environmental Protection Act or other applicable  
11 environmental law which (i) provides for CALTRANS's payment of monies in exchange  
12 for a dismissal of such lawsuit, (ii) provides for the use of such monies by the petitioner  
13 in such lawsuit in such a manner as to mitigate adverse air quality impacts of the  
14 Project, and (iii) is approved in writing by District. The District shall have no authority to  
15 commit CALTRANSs money in any settlement of a third party lawsuit without  
16 CALTRANSs consent.  
17       **10. Term of Agreement**  
18       This Agreement shall be effective upon the date first written above, and shall  
19 terminate upon District's meeting its obligation to implement Funding Agreements that  
20 provide necessary emissions reductions to fully mitigate the Project's construction  
21 criteria pollutant emissions and provide for betterment of air quality for the project area  
22 and greater Bakersfield area. CALTRANS may, at any time by written notice to District,  
23 terminate this Agreement, whereupon, (i) District shall acknowledge such termination in  
24 writing to the Lead Agency and certify whether or not that CALTRANS has achieved  
25 betterment of air quality and mitigated air quality impacts of the Project to the extent  
26 and in the types and quantities brought about by Funding Agreements, (ii) District shall  
27 refund to CALTRANS any unused portion of CALTRANS's Air Quality Funds less any  
28 unpaid administrative costs incurred; and (iii) neither CALTRANS nor District shall have

1 any further rights or obligations under this Agreement except as expressly provided.  
2       District's obligations to oversee implementation of Funding Agreements  
3 pursuant to Paragraph 7.2 ("Oversight of Funding Agreements") and to ensure that  
4 required emission reductions are achieved, pursuant to Paragraph 7.4 ("Achievement  
5 of Emission Reductions"), and in relation to the Air Quality Funds which have been  
6 provided shall remain effective for as long as necessary to ensure that the anticipated  
7 emission reductions continue to be achieved to the extent specified in this Agreement.  
8       **11. Representations, Covenants and Warranties**  
9       **11.1. CALTRANS's Representations, Covenants and Warranties.**  
10       CALTRANS represents, covenants and warrants to District, as of the date of this  
11 Agreement, as follows:  
12       11.1.1. The undersigned representatives of CALTRANS are duly  
13 authorized to execute, deliver and perform this Agreement, and upon CALTRANS's  
14 execution and delivery of this Agreement, this Agreement will have been duly  
15 authorized by CALTRANS.  
16       11.1.2. Upon execution and delivery of this Agreement by  
17 CALTRANS, CALTRANS's obligations under this Agreement shall be legal, valid and  
18 binding obligations of CALTRANS, duly enforceable at law and in equity in accordance  
19 with the terms and conditions of this Agreement.  
20       11.1.3. There is no lawsuit, legal action, arbitration, legal or  
21 administrative proceeding, legislative quasi-legislative or administrative action or claim  
22 existing, pending, threatened or anticipated which would render all or any portion of this  
23 Agreement invalid, void or unenforceable in accordance with the terms and conditions  
24 thereof.  
25       11.1.4. Other than the execution and delivery of this Agreement by  
26 the undersigned representatives of CALTRANS, there are no approvals, consents,  
27 confirmations, proceedings, or other actions required by CALTRANS or any third party,  
28 entity or agency in order to enter into and carry out the terms, conditions and intent of

1 the parties with respect to this Agreement, except as required to enter Funding  
2 Agreements.

3 **11.2. District's Representations, Covenants and Warranties**

4 District represents, covenants and warrants to CALTRANS, as of the date of this  
5 Agreement, as follows:

6 **11.2.1.** The undersigned representatives of District are duly  
7 authorized to execute, deliver and perform this Agreement, and upon District's  
8 execution and delivery of this Agreement, this Agreement will have been duly  
9 authorized by District.

10 **11.2.2.** Upon execution and delivery of this Agreement by District,  
11 District's obligations under this Agreement shall be legal, valid and binding obligations  
12 of District, duly enforceable at law and in equity in accordance with the terms and  
13 conditions of this Agreement.

14 **11.2.3.** There is no lawsuit, legal action, arbitration, legal or  
15 administrative proceeding, legislative, quasi-legislative or administrative action or claim  
16 existing, pending, threatened or anticipated which would render all or any portion of this  
17 Agreement invalid, void or unenforceable in accordance with the terms and conditions  
18 thereof.

19 **11.2.4.** Other than the execution and delivery of this Agreement by  
20 the undersigned representatives of District, there are no approvals, consents,  
21 confirmations, proceedings, or other actions required by District or any third party,  
22 entity or agency in order to enter into and carry out the terms, conditions and intent of  
23 the parties with respect to this Agreement, except as required to enter Funding  
24 Agreements.

25 **11.2.5.** The monies paid by CALTRANS under this Agreement shall  
26 be sufficient to ensure that the emission reductions contemplated by this Agreement  
27 shall occur, and District shall utilize such monies in such a manner as to ensure that  
28 such emission reduction shall occur.

1 **11.2.6.** Upon the approval of this Agreement by the governing  
2 board of District, the Air Pollution Control Officer of District, or equivalent  
3 representative, or a delegatee of such officer, shall have the authority to approve, deliver,  
4 verify, enter into, acknowledge and/or accept any communication, notice, notification,  
5 verification, agreement and/or other document to be issued or entered into by District  
6 under the terms and conditions of this Agreement, without further approval of the  
7 governing board of District.

8 **12. Indemnification**

9 CALTRANS agrees to indemnify, defend and hold harmless District for, from  
10 and in connection with any third party claims, losses and/or liabilities arising from or in  
11 connection with District's performance of this Agreement, excluding only such claims,  
12 losses and/or liabilities which result from or are in connection with District's sole  
13 negligence, act or omission.

14 **13. Inurement**

15 CALTRANS's rights and obligations under this Agreement, or applicable portions  
16 thereof, shall run with the land encompassed by the Project, and shall inure to the  
17 benefit of and be binding upon the heirs, successors and assigns of CALTRANS who  
18 take title to such lands or applicable portions thereof. Upon CALTRANS's conveyance  
19 of all or any portion of the lands encompassed by the Project, the rights and obligations  
20 of CALTRANS under this Agreement shall, to the extent applicable to the lands so  
21 conveyed, be transferred to the transferee thereof, and CALTRANS shall thereupon be  
22 released by District from, all obligations and liabilities so assigned, except for such  
23 obligations and liabilities arising prior to such transfer.

24 **14. Assignment**

25 CALTRANS shall have no right to assign all or any part of its rights and/or  
26 obligations under this Agreement without the District's written consent. In the event the  
27 District does give consent to any such assignment, the District, the third party assignee  
28 and CALTRANS shall enter into an amendment and novation of this Agreement which



1 acknowledges the assignment and conforms the various provisions of this Agreement  
2 as may be required to be conformed in order to provide to the assignee the rights and  
3 benefits of this Agreement as if such assignee and its project were the original party  
4 and project contemplated in this Agreement.

5       **15. Recitals Incorporated**

6       The recitals set forth hereinabove are hereby incorporated into this Agreement  
7 and acknowledged, agreed to and adopted by the parties to this Agreement.

8       **16. Further Assurances**

9       CALTRANS and District agree to execute and deliver any documents and/or  
10 perform any acts which are reasonably necessary in order to carry out the intent of the  
11 parties with respect to this Agreement.

12       **17. No Joint Venture or Partnership**

13       District and CALTRANS agree that nothing contained in this Agreement or in any  
14 document executed in connection with this Agreement shall be construed as making  
15 District and CALTRANS joint venturers or partners.

16       **18. Notices**

17       Any notices or communications relating to this Agreement shall be given in  
18 writing and shall be deemed sufficiently given and served for all purposes when  
19 delivered, if (a) in person, (b) by facsimile (with the original delivered by other means  
20 set forth in this paragraph, (c) by generally recognized overnight courier or (d) by  
21 United States Mail, certified or registered mail, return receipt requested, postage  
22 prepaid, to the respective addresses set forth below, or to such other addresses as the  
23 parties may designate from time to time by providing written notice of the change to the  
24 other party.

25       ///  
26       ///  
27       ///  
28       ///

SJVUAPCD  
1990 E. Gettysburg  
Fresno, CA 93726  
(559) 230-6000

<b>CALTRANS</b>	<b>DISTRICT</b>
Christine Cox-Kovacevich	Seyed Sadredin
Chief, Central Region	Executive Director/APCO
Environmental Division	1990 E. Gettysburg Ave.
1352 W. Olive Ave.	Fresno, CA 93726
Fresno CA 93728	Phone: (559) 230-6000
Phone: (559)488-4150	Fax: (559) 230-6061
Fax: (559)488-4195	

19.   **Entire Agreement**

      The terms of this Agreement, together with all attached exhibits, are intended by  
the parties as the complete and final expression of their agreement with respect to  
such terms and exhibits and may not be contradicted by evidence of any prior or  
contemporaneous agreement. This Agreement specifically supersedes any prior  
written or oral agreements between the parties with respect to the subject matter of this  
Agreement.

20.   **Amendments and Waivers**

      No addition to or modification of this Agreement shall be effective unless set  
forth in writing and signed by the party against whom the addition or modification is  
sought to be enforced. The party benefited by any condition or obligation may waive  
the same, but such waiver shall not be enforceable by another party unless made in  
writing and signed by the waiving party.

21.   **Invalidity of Provisions**

      If any provision of this Agreement as applied to either party or to any  
circumstance shall be adjudged by a court of competent jurisdiction to be void or  
unenforceable for any reason, the same shall in no way affect (to the maximum extent  
permissible by law) any other provision of this Agreement, the application of any such  
provision under circumstances different from those adjudicated by the court, or the  
validity or enforceability of this Agreement as a whole. The parties further agree to  
replace any such invalid, illegal or unenforceable portion with a valid and enforceable  
provision, which will achieve, to the maximum extent legally possible, the economic,

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1990 E. Gettysburg  
Fresno, CA 93726  
(559) 230-6000

1 business or other purposes of the invalid, illegal or unenforceable portion.

2       **22. Construction**

3       Unless otherwise indicated, all paragraph references are to the paragraph of this

4 Agreement and all references to days are to calendar days. Whenever, under the

5 terms of this Agreement the time for performance of a covenant or condition falls upon

6 a Saturday, Sunday or California state holiday, the time for performance shall be

7 extended to the next business day. The headings used in this Agreement are provided

8 for convenience only and this Agreement shall be interpreted without reference to any

9 headings. Wherever required by the context, the singular shall include the plural and

10 vice versa, and the masculine gender shall include the feminine or neuter genders, or

11 vice versa. This Agreement may be executed in one or more counterparts, each of

12 which shall be deemed an original, but all of which together shall constitute one and the

13 same instrument. The language in all parts of this Agreement shall be construed as a

14 whole in accordance with its fair meaning, and shall not be construed against any party

15 solely by virtue of the fact that such party or its counsel was primarily responsible for its

16 preparation.

17       **23. Governing Law**

18       23.1 The rights and obligations of the parties and the interpretation and

19 performance of this Agreement shall be governed in all respects by the laws of the

20 State of California.

21       23.2 Venue for any action arising out of or relating to this Agreement shall be in

22 Fresno County, California.

23       **24. No Third-party Beneficiaries**

24       Nothing in this Agreement, express or implied, is intended to confer any rights or

25 remedies under or by reason of this Agreement on any person other than the parties to

26 it and their respective permitted successors and assigns, nor is anything in this

27 Agreement intended to relieve or discharge any obligation of any third person to any

28 party hereto or give any third person any right of subrogation or action over or against

1 any party to this Agreement.

2       **25. Exhibits**

3       The exhibits attached to this Agreement shall be deemed to be a part of this

4 Agreement and are fully incorporated herein by reference.

5       **26. Force Majeure**

6       The time within which any party shall be required to perform under this

7 Agreement shall be extended on a day-per-day basis for each day during which such

8 performance is prevented or delayed by reason of events reasonably outside of the

9 control of the performing party, including, without limitation, acts of God, events of

10 destruction, acts of war, civil insurrection, strikes, shortages, governmental delays,

11 moratoria, civil litigation and the like, and/or delays caused by the non-performing

12 party's act or omission.

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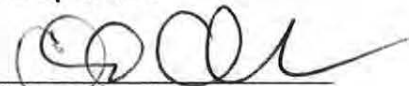
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1 IN WITNESS WHEREOF, CALTRANS and District have executed this  
2 Agreement and agree that it shall be effective as of the date first written above.


3  
4 **CALTRANS**

5 **California Department of**  
6 **Transportation**


7   
8 Christine Cox-Kovacevich  
9 Chief, Central Region  
10 Environmental Division

11 **DISTRICT**

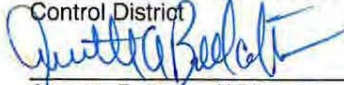
12 **San Joaquin Valley Unified Air**  
13 **Pollution Control District**

14   
15 Hub Walsh  
16 Governing Board Chair

17 **Recommended for approval:**  
18 San Joaquin Valley Unified Air Pollution  
19 Control District

20   
21 Seyed Sadredin  
22 Executive Director/APCO

23 **Approved as to legal form:**  
24 San Joaquin Valley Unified Air Pollution  
25 Control District

26   
27 Annette Ballatore-Williamson  
28 District Counsel

**Approved as to accounting form:**

  
Mehri Barati  
Director of Administrative Services

**For accounting use only:**  
San Joaquin Valley Unified Air Pollution  
Control District

Program: \_\_\_\_\_  
Account No: \_\_\_\_\_

1 **EXHIBIT A**

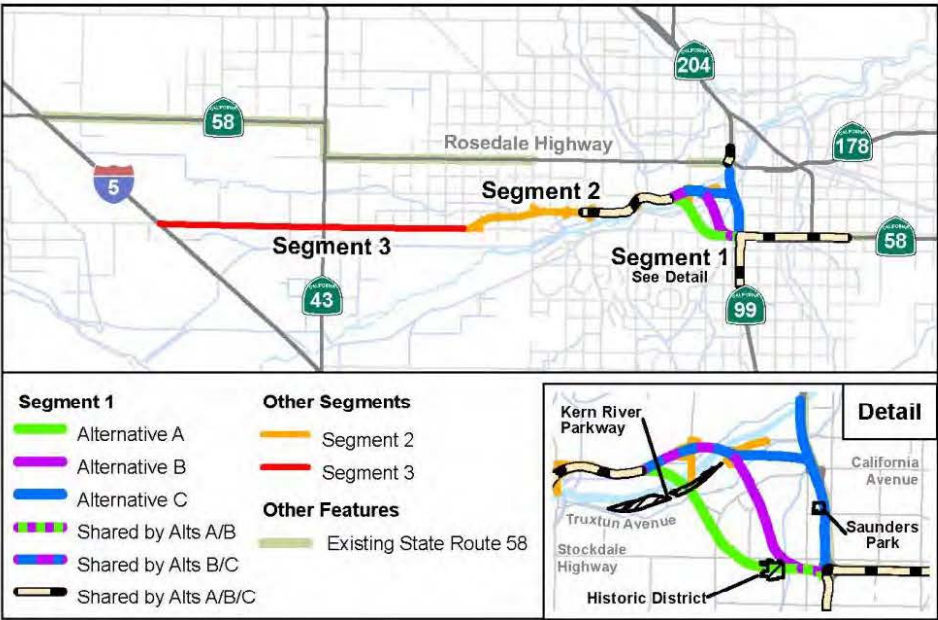
2 **DESCRIPTION OF THE PROJECT**

3 The proposed capital Centennial capital corridor has been divided into three segments.

4 The actions for the proposed project would be:

- 5 • Route adoption/transfer for a continuous route from the existing freeway portion  
6 of Route 58 east of State Route 99 to Interstate 5 with the western portion on  
7 existing Stockdale highway from Heath road to Interstate 5; and  
8 • approval for construction of segment one, improvements within segment two,  
9 and intersection improvements at the Stockdale highway and State Route 43  
10 (known locally as Enos Lane) intersection.

11 **Project Alternatives (Alternative B has been selected as the Preferred**  
12 **Alternative).**





Segment 1 is the easternmost segment that would connect a local roadway known as the Westside Parkway to the existing State Route 58 (East) freeway. This segment would construct a new section of freeway (which would be part of State Route 58) to provide the direct connection to segment two (the Westside Parkway). In addition, the project would involve modifications to the existing State Route 58 (East) and State Route 99 to accommodate the new connection ramps.

Alternative B, which emerged as the Preferred Alternative, runs westerly from the existing State Route 58 (East)/State Route 99 interchange for about 1200 feet south of Stockdale Highway. Then it turns northwesterly and span Stockdale Highway/Stine Road, California Avenue, Commerce Drive, Truxtun Avenue, and the Kern River before joining the East end of the Westside Parkway near the Mohawk Street interchange. This alignment depresses the Centennial corridor (the roadway would be lower than the existing ground level) between California Avenue and Ford Ave., Overcrossings are proposed at morale a way and La Mirada Drive to help traffic circulation. The option of removing the La Mirada Drive overcrossing and adding a Ford Avenue under crossing with alternative B is also under consideration. Alternative B is about 8.6 miles long.

Segment 2 of the Centennial Corridor is composed of the Westside Parkway, which will ultimately extend from about Truxtun Avenue to Stockdale Highway near Heath Road. The final segment of the Parkway from Allen Road to Stockdale Highway is currently under construction. The Westside Parkway would be incorporated into the State Highway System with each of the alternatives. Additionally the current portion of State Route 58 (West) (Rosedale Highway) from Allen Road to Interstate 5 would be relinquished (made a local road, no longer a state highway) to the local jurisdictions (city of Bakersfield and County of Kern).

Alternative B in Segment 1 would require improvements to the Westside Parkway. The changes would be to several ramps and the medians to allow for auxiliary lanes. This would mostly be done within the existing right-of-way. Though technically these improvements are within Segment 2, they are required to accommodate Segment 1 to

facilitate traffic operations between the Westside Parkway and the Centennial Corridor. The impacts associated with these improvements in Segment 2 are very minor since the area has already been disturbed for the construction of the Westside Parkway. Rather than split the impact analysis and have a separate impact discussion for Segment 2, any impacts associated with Segment 2 have been included in the impact discussion or Segment 1. However, because the connection with Segment 1 of the Centennial Corridor Project would substantially increase traffic on the Westside Parkway (Segment 2), the traffic study prepared for the project analyzed the impacts across the proposed Centennial Corridor from Interstate 5 to Cottonwood Road. Similarly the noise and air quality analysis were performed using the projected traffic volume for the Centennial Corridor and the analysis extended to cover the Westside Parkway (Segment 2).

Segment 3 traffic would use Stockdale Highway, a two-lane conventional roadway, to link Interstate 5. To accommodate the additional traffic, improvements to the Stockdale Highway/State Route 43 intersection, such as a new signal and turn lanes, would be made (State Route 43 is known locally as Enos Lane). These improvements would be constructed at the same time as the Segment 1 improvements.

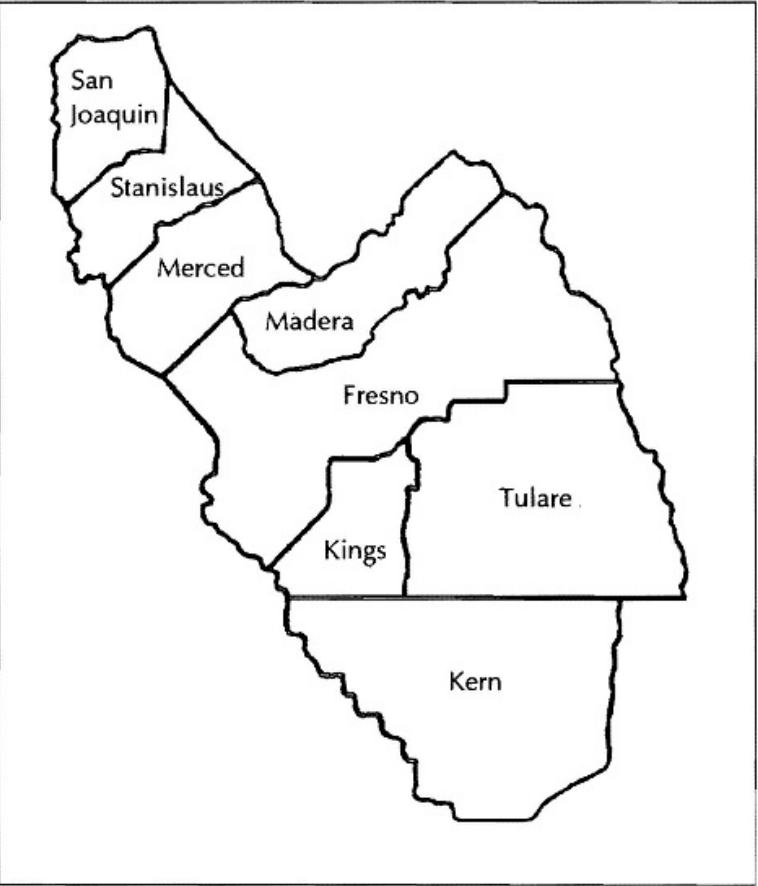
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EMMISION REDUCTION DESIGN FEATURES

- The project will improve local east-west circulation, facilitate construction management and reduce the commute time through a major freight corridor, thus reducing emissions. The project will shift inter-regional traffic from local roads to the newly constructed highway.
- Park and Ride facilities will encourage carpooling.
- Bike and pedestrian features, including over- and under-crossings, will encourage alternate modes of transportation.
- Soundwalls will channel particulates away from receptors.
- Soil and slopes will be stabilized with permanent landscaping.
- Preservation of mature trees will occur as practical; replacement planting will occur on a 1:1 ratio.
- Compliance with the San Joaquin Valley Air Pollution Control District's Rule 9510 will help reduce emissions during construction.
- Caltrans and the contractor shall comply with the San Joaquin Valley Air Pollution Control District's Regulation VIII, reducing fugitive PM<sub>10</sub> emissions during construction.

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EXHIBIT C  
DISTRICT BOUNDARIES



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**EXHIBIT D**  
**PROJECT EMISSIONS**  
**AND APPROXIMATE REDUCTIONS GENERATED**

Table 1 - VERA Cost to Net-Zero			
Pollutant:	Reactive Organic Gases (ROG)	Oxides of Nitrogen (NOx)	Particulate Matter 10 microns or less in size (PM10)
Tons to be Reduced (tons)- Year 1	1.88	33.64	7.64
Tons to be Reduced (tons) - Year 2	1.45	16.49	7.3
Tons to be Reduced (tons) - Year 3	0.38	2.55	0.71
Cost per Ton (\$/ton)	\$9,350	\$9,350	\$9,011
Emission Reduction Cost	\$34,689	\$492,558	\$141,022
4% Administrative Fee	\$1,388	\$19,702	\$5,641
Total Cost Estimate for net-zero emissions	\$695,000		

Table 2 – Approximate Air Quality Betterment			
Total Air Quality Betterment Cost (\$1,500,000 - \$695,000)	\$805,000		
Air Quality Betterment Investment	\$774,038		
4% Administrative Fee	\$30,962		
Approx. Cost Per ton	\$9,350		
Estimated Air Quality Betterment Emission Reductions (tons)	83 total		
(Note: pollutant distribution based on historical distribution)	5 (ROG)	73 (NOx)	5 (PM10)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

OCT 28 2014

Christine Cox-Kovacevich  
Central Region Environmental Division Chief  
California Department of Transportation  
1352 W. Olive Avenue  
P.O. Box 12616  
Fresno, CA 93778-2616

Dear Ms. Cox-Kovacevich,

Thank you for submitting to EPA for our review a draft version of the Voluntary Emission Reduction Agreement (VERA) between the California Department of Transportation (Caltrans) and the San Joaquin Valley Unified Air Pollution Control District (SVJ Air District). The VERA provides \$1.5 M for air quality mitigation and betterment as part of the Centennial Corridor Project.

After review by EPA staff, we believe that if implemented within proximity to the build portions of the Centennial Corridor Project, the VERA would be a significant and positive step forward in mitigating localized emissions increases of PM<sub>2.5</sub> adjacent to the project. We raised concerns regarding those localized emissions increases in our July 8, 2014 letter providing comments on the Draft Environmental Impact Statement (Draft EIS) for the Centennial Corridor Project. EPA agrees with the goal of Caltrans and their funding partners, particularly the Kern County Council of Governments, to provide funding which will result in health benefits for those community members that will live within close proximity to the build portions of the Centennial Corridor Project while it is being constructed and operated.

To maximize the impact of the VERA on reducing localized emissions, we recommend adding a provision to the VERA that the funds will be targeted, at least on first attempt, to projects that will offset construction and operation emissions within a specific geographic radius of the new highway segment and portions of existing highway segments that will be adding capacity for this project. We further recommend that the Final EIS provide a cross-walk between the adopted VERA and how the commitments therein address our July 8, 2014 Draft EIS comments.

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Thank you again for sharing the VERA with EPA for our input. If you have any specific questions regarding the VERA, please feel free to contact me or Kerry Drake at 415-947-4157. The EPA Environmental Review Section will contact your staff to further discuss Caltrans responses to the Draft EIS comments.

Sincerely,

  
Deborah Jordan  
Director, Air Division

cc: Seyed Sadredin

# Appendix M Preliminary Jurisdictional Determination



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT  
1325 J STREET  
SACRAMENTO CA 95814-2922

March 24, 2015

Regulatory Division SPK-2008-01813

California Department of Transportation, Region 6  
Attn: Mr. Javier Almaguer  
855 M Street, Suite 200  
Fresno, California 93721-2753

Dear Mr. Almaguer:

We are responding to your March 2, 2015 request for a preliminary jurisdictional determination (JD), in accordance with our Regulatory Guidance Letter (RGL) 08-02, for the KER058 Centennial Corridor Project site. The approximately 3,044-acre site is located south of Rosedale Highway and west of State Route 99, near the Kern River, Sections 1, 2, 6, 14, 23, 26-28, and 31-35, Townships 29, 30 South, Ranges 25, 27, and 28 East, Mount Diablo Meridian, Latitude 35.36982°, Longitude -119.06223°, Kern County, California.

Based on available information, **we concur with the amount and location of wetlands and other water bodies on the site as depicted on the enclosed Jurisdictional Resources, Centennial Corridor, Kern County, California, Figures 2A-2T, drawings prepared by Caltrans.** The approximately 136 acres of wetlands and other water bodies present within the survey area are potential waters of the United States regulated under Section 404 of the Clean Water Act.

We have enclosed a copy of the *Preliminary Jurisdictional Determination Form* for this site. Please sign and return a copy of the completed form to this office. Once we receive a copy of the form with your signature we can accept and process a Pre-Construction Notification or permit application for your proposed project.

You should not start any work in potentially jurisdictional waters of the United States unless you have Department of the Army permit authorization for the activity. You may request an approved JD for this site at any time prior to starting work within waters. In certain circumstances, as described in RGL 08-02, an approved JD may later be necessary.

You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

-2-

This preliminary determination has been conducted to identify the potential limits of wetlands and other water bodies which may be subject to Corps of Engineers' jurisdiction for the particular site identified in this request. A Notification of Appeal Process and Request for Appeal form is enclosed to notify you of your options with this determination. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

We appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing the customer survey on our website under *Customer Service Survey*.

Please refer to identification number SPK-2008-01813 in any correspondence concerning this project. If you have any questions, please contact Evan Carnes at our California South Regulatory Branch, 1325 J Street, Room 1350, Sacramento, California 95814-2922, by email at [Evan.G.Carnes@usace.army.mil](mailto:Evan.G.Carnes@usace.army.mil), or telephone at 916-557-7506. For more information regarding our program, please visit our website at [www.spk.usace.army.mil/Missions/Regulatory.aspx](http://www.spk.usace.army.mil/Missions/Regulatory.aspx).

Sincerely,

Kathleen A. Dadey, Ph.D.  
Chief, California South Branch  
Regulatory Division

Enclosures

cc: (w/o encls)  
Ms. Leana Rosetti, U.S. Environmental Protection Agency, Region IX,  
[Rosetti.Leana@epa.gov](mailto:Rosetti.Leana@epa.gov)  
Mr. Matthew Scroggins, Central Valley Regional Water Quality Control Board,  
[MScroggins@waterboards.ca.gov](mailto:MScroggins@waterboards.ca.gov)  
Ms. Keri O'Connor, California Department of Transportation, District 6,  
[Keri\\_Oconnor@dot.ca.gov](mailto:Keri_Oconnor@dot.ca.gov)



# PRELIMINARY JURISDICTIONAL DETERMINATION FORM

## Sacramento District


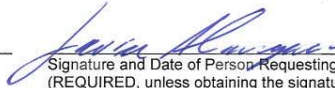
This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

Regulatory Branch: <b>California South</b> File/ORM #: <b>SPK-2008-01813</b> PJD Date: <b>March 23, 2015</b>	
State: <b>CA</b> City/County: <b>Kern County</b> Nearest Waterbody: <b>Kern River</b>  Location (Lat/Long): <b>35.36982°, -119.06223°</b>  Size of Review Area: <b>3,044</b> acres	Name/Address <b>California Department of Transportation, Region 6</b> Of Property <b>Attn: Mr. Javier Almaguer</b> Owner/ <b>855 M Street, Suite 200</b> Potential <b>Fresno, California 93721-2753</b> Applicant
<b>Identify (Estimate) Amount of Waters in the Review Area</b> <u>Non-Wetland Waters:</u> linear feet                      ft wide <b>136</b> acre(s) Stream Flow: <b>Perennial and Ephemeral</b>	
<u>Wetlands:</u> <b>0.2</b> acre(s) Cowardin Class: <b>Palustrine, emergent</b>	

**SUPPORTING DATA:** Data reviewed for preliminary JD (check all that apply – checked items should be included in case file and, where checked and requested, appropriately reference sources below)

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: **Jurisdictional Resources, Centennial Corridor, Kern County, California, Figures 2A-2T, Prepared by Caltrans**
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- ☐ Data sheets prepared by the Corps.
- ☐ Corps navigable waters' study.
- ☐ U.S. Geological Survey Hydrologic Atlas:
  - ☐ USGS NHD data.
  - ☐ USGS HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: **1:24K; CA-GOSFORD**
- ☐ USDA Natural Resources Conservation Service Soil Survey.
- ☐ National wetlands inventory map(s).
- ☐ State/Local wetland inventory map(s).
- ☐ FEMA/FIRM maps.
- ☐ 100-year Floodplain Elevation (if known):
- ☒ Photographs:
  - ☒ Aerial
  - ☒ Other
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

 Signature and Date of Regulatory Project Manager (REQUIRED)	 Signature and Date of Person Requesting Preliminary JD (REQUIRED, unless obtaining the signature is impracticable)
---	---

**EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:**

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL		
Applicant: California Department of Transportation, Region 6, Attn: Mr. Javier Almaguer		File No.: SPK-2008-01813 Date: March 23, 2015
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input checked="" type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E
<p><b>SECTION I -</b> The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <a href="http://www.usace.army.mil/cecw/pages/reg_materials.aspx">http://www.usace.army.mil/cecw/pages/reg_materials.aspx</a> or Corps regulations at 33 CFR Part 331.</p> <p><b>A: INITIAL PROFFERED PERMIT:</b> You may accept or object to the permit.</p> <ul style="list-style-type: none"> <li><b>ACCEPT:</b> If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.</li> <li><b>OBJECT:</b> If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.</li> </ul> <p><b>B: PROFFERED PERMIT:</b> You may accept or appeal the permit</p> <ul style="list-style-type: none"> <li><b>ACCEPT:</b> If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.</li> <li><b>APPEAL:</b> If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.</li> </ul> <p><b>C: PERMIT DENIAL:</b> You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.</p> <p><b>D: APPROVED JURISDICTIONAL DETERMINATION:</b> You may accept or appeal the approved JD or provide new information.</p> <ul style="list-style-type: none"> <li><b>ACCEPT:</b> You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.</li> <li><b>APPEAL:</b> If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.</li> </ul> <p><b>E: PRELIMINARY JURISDICTIONAL DETERMINATION:</b> You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.</p>		

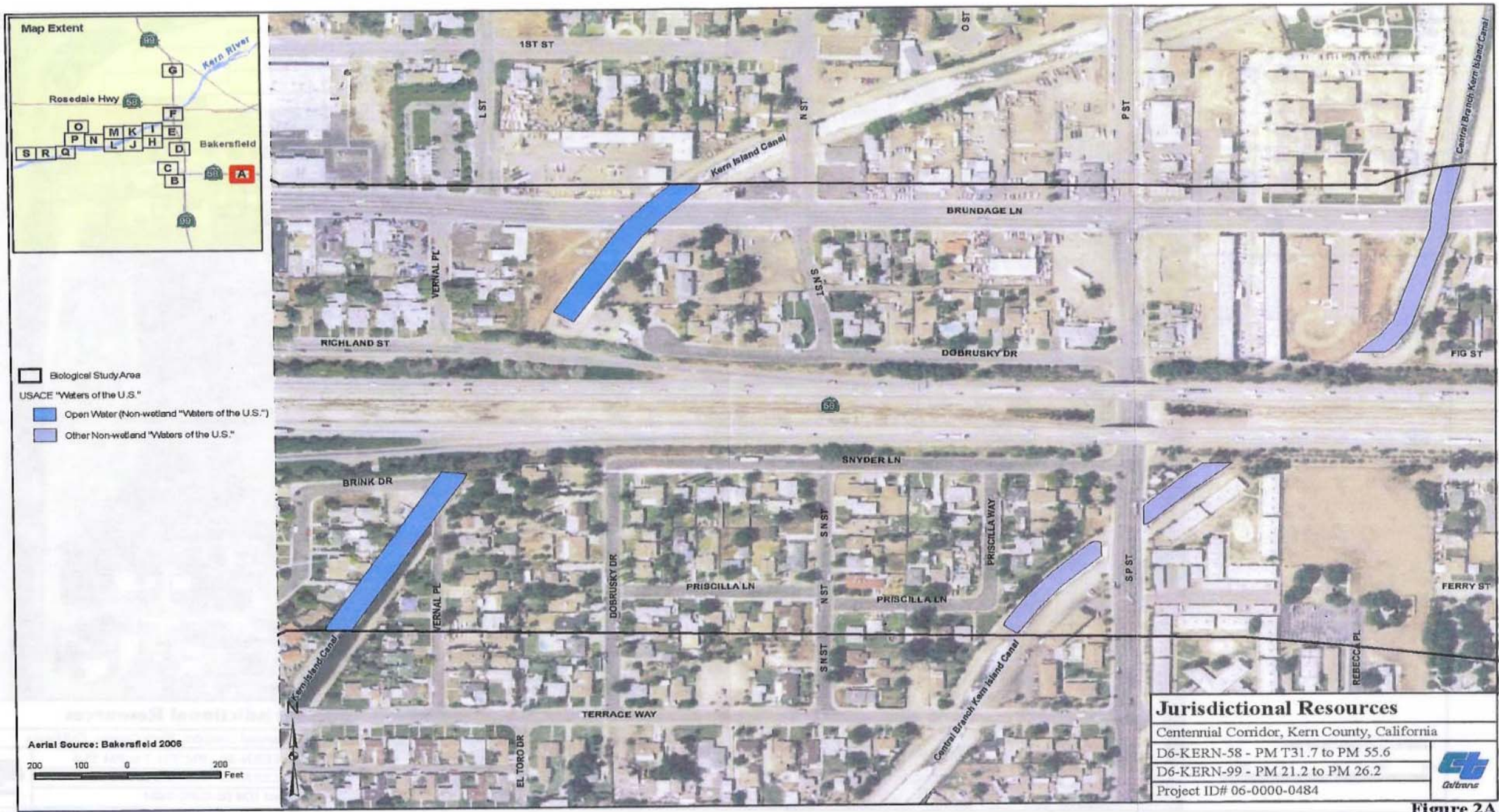


SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT		
REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)		
ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.		
POINT OF CONTACT FOR QUESTIONS OR INFORMATION:		
If you have questions regarding this decision and/or the appeal process you may contact: Kathleen A. Dadey, Ph.D. Chief, California South Branch Regulatory Division U.S. Army Corps of Engineers 1325 J Street, Room 1350 Sacramento, California 95814-2922 Phone: 916-557-7506, FAX 916-557-7803 Email: Evan.G.Carnes@usace.army.mil	If you only have questions regarding the appeal process you may also contact: Thomas J. Cavanaugh Administrative Appeal Review Officer U.S. Army Corps of Engineers South Pacific Division 1455 Market Street, 2052B San Francisco, California 94103-1399 Phone: 415-503-6574, FAX 415-503-6646 Email: Thomas.J.Cavanaugh@usace.army.mil	
RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.		
Signature of appellant or agent.	Date:	Telephone number:

SPD version revised December17, 2010



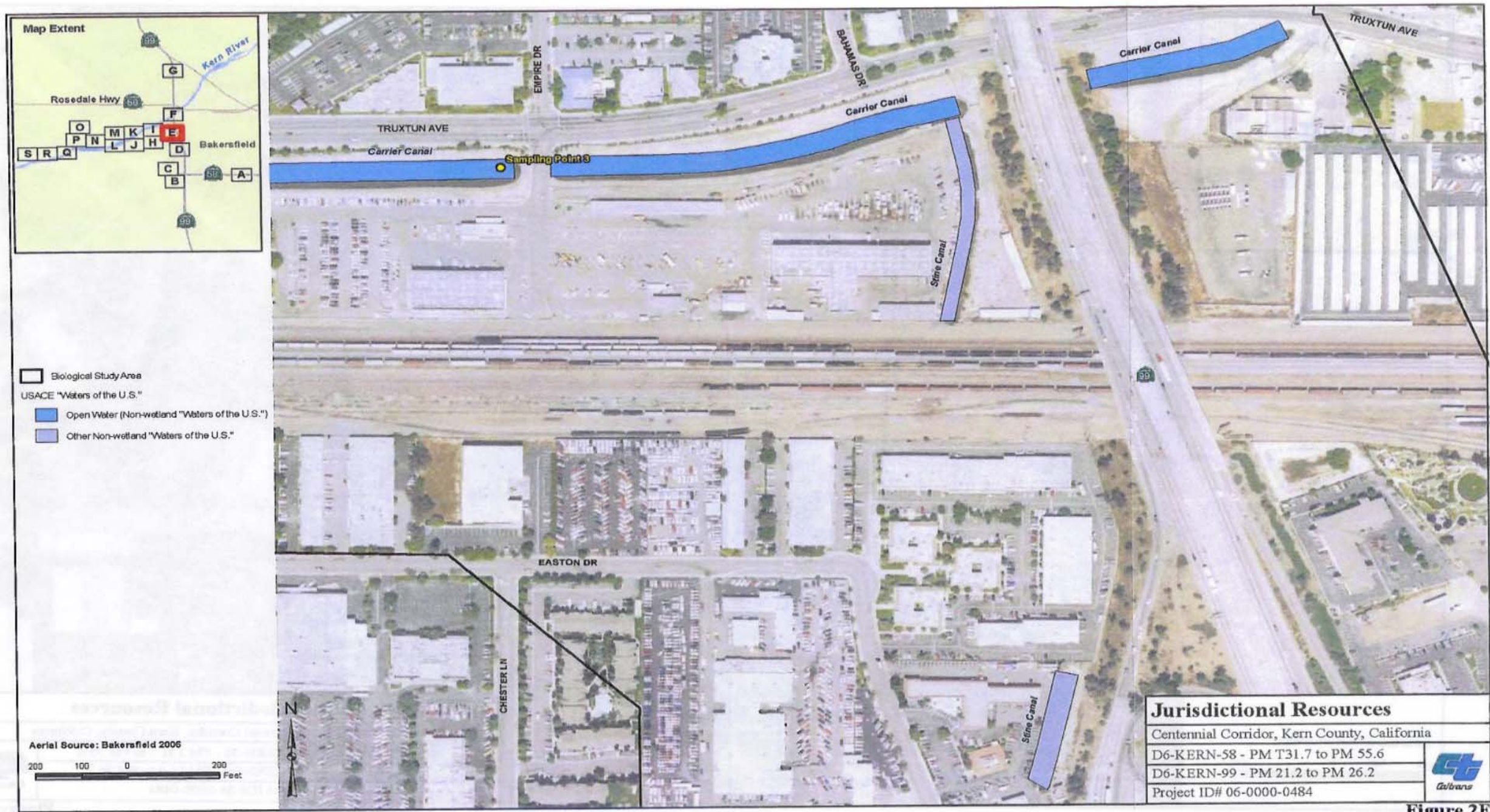














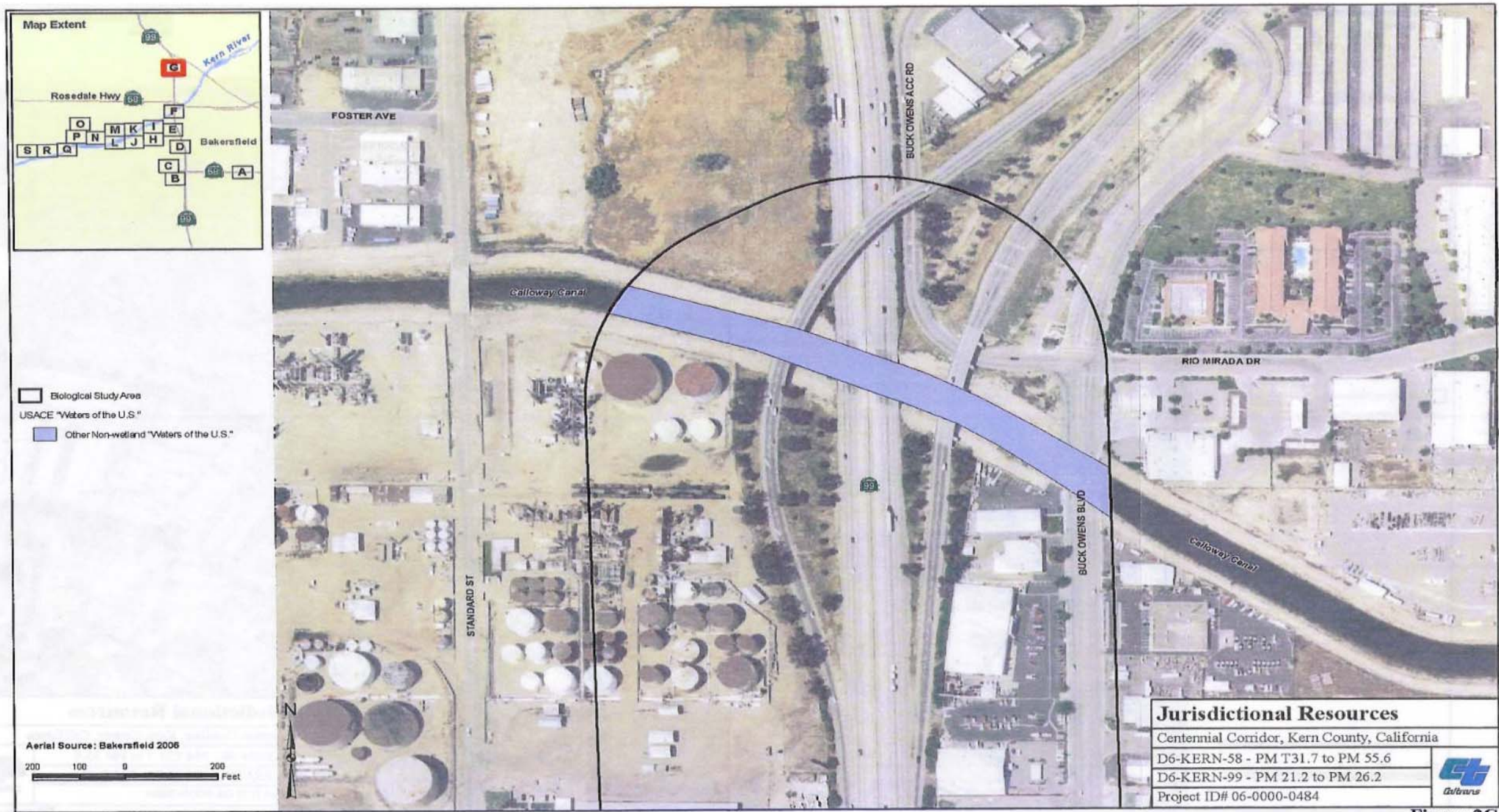
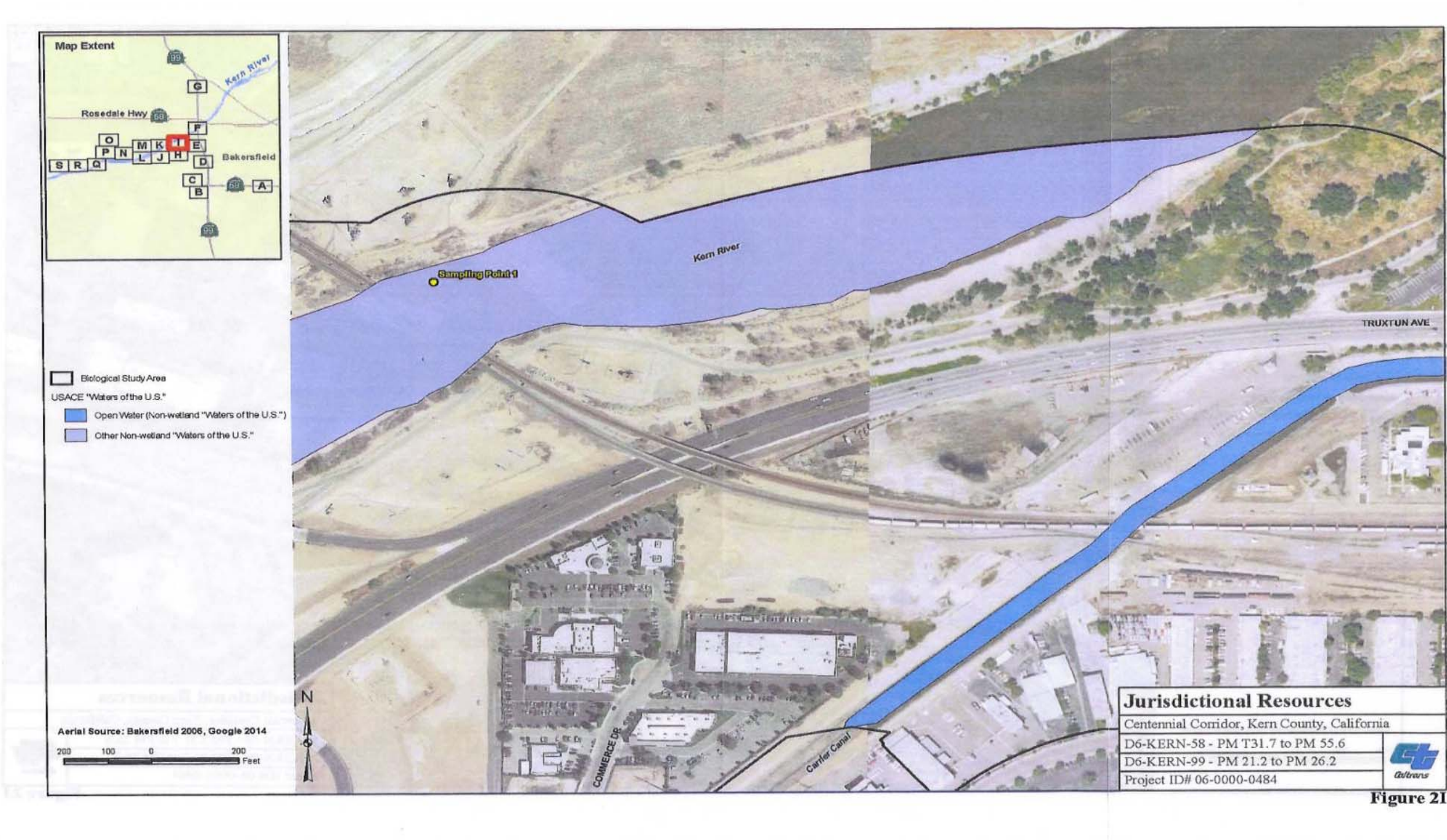
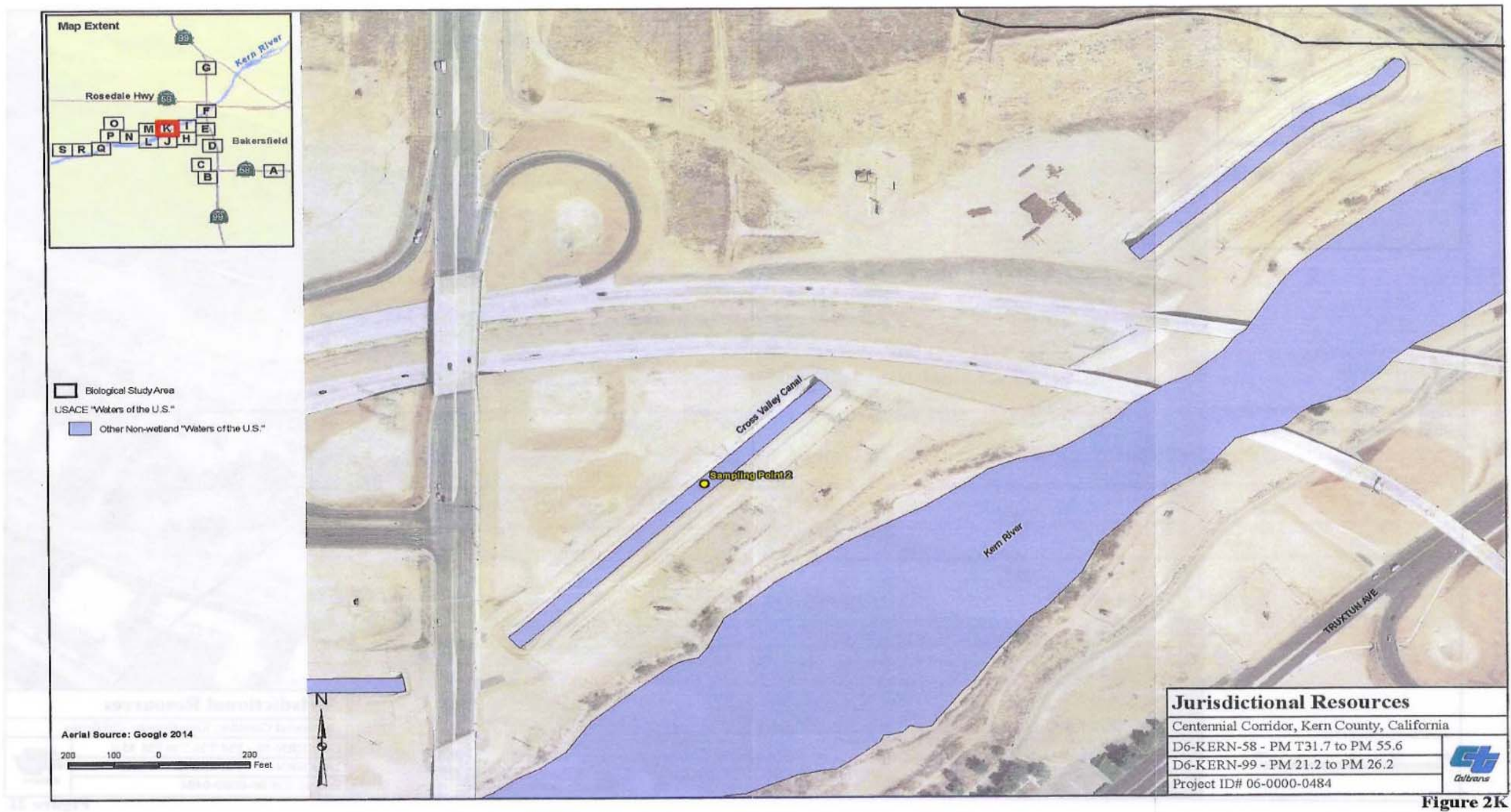


Figure 2G

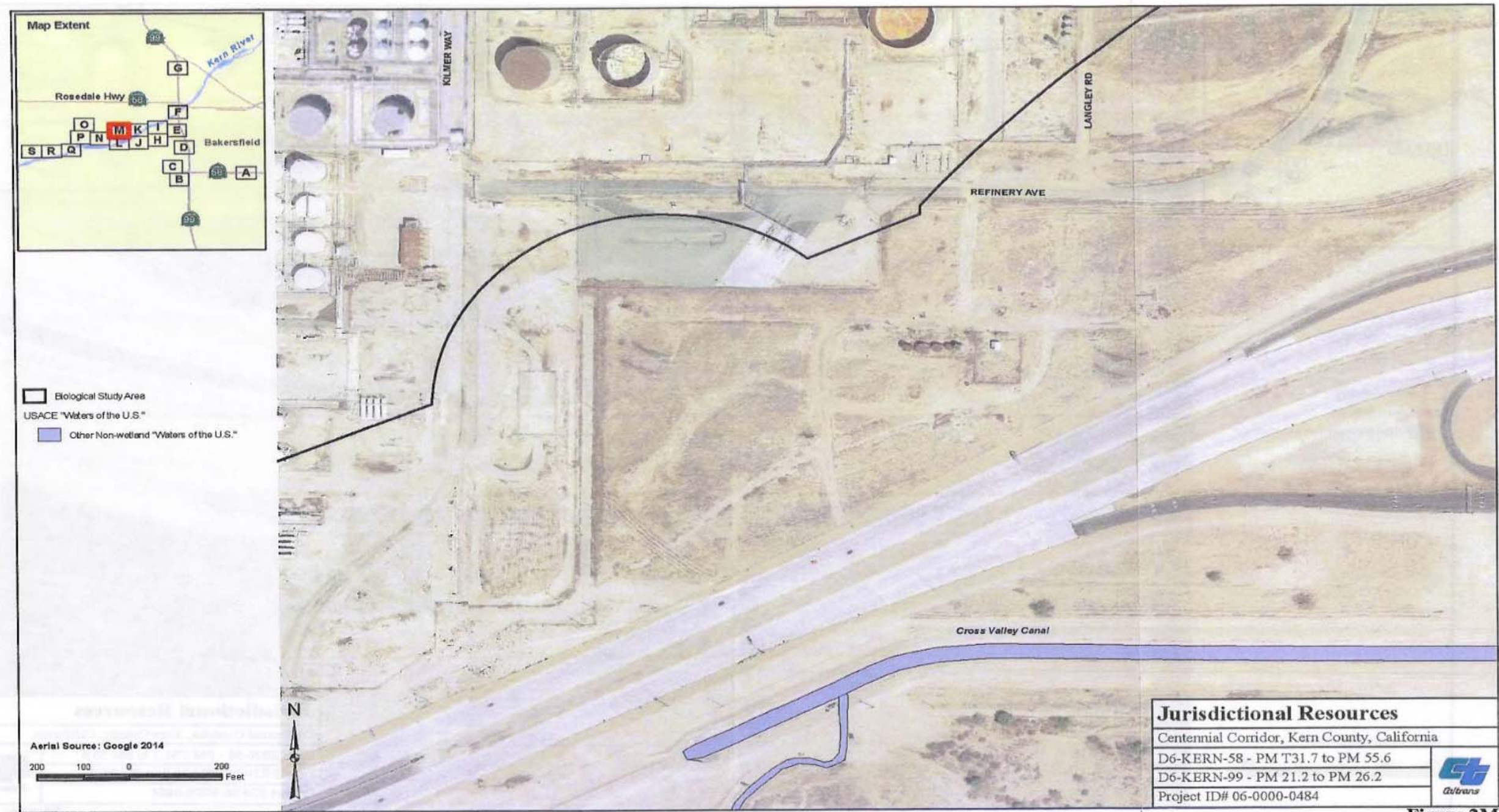












**Figure 2M**







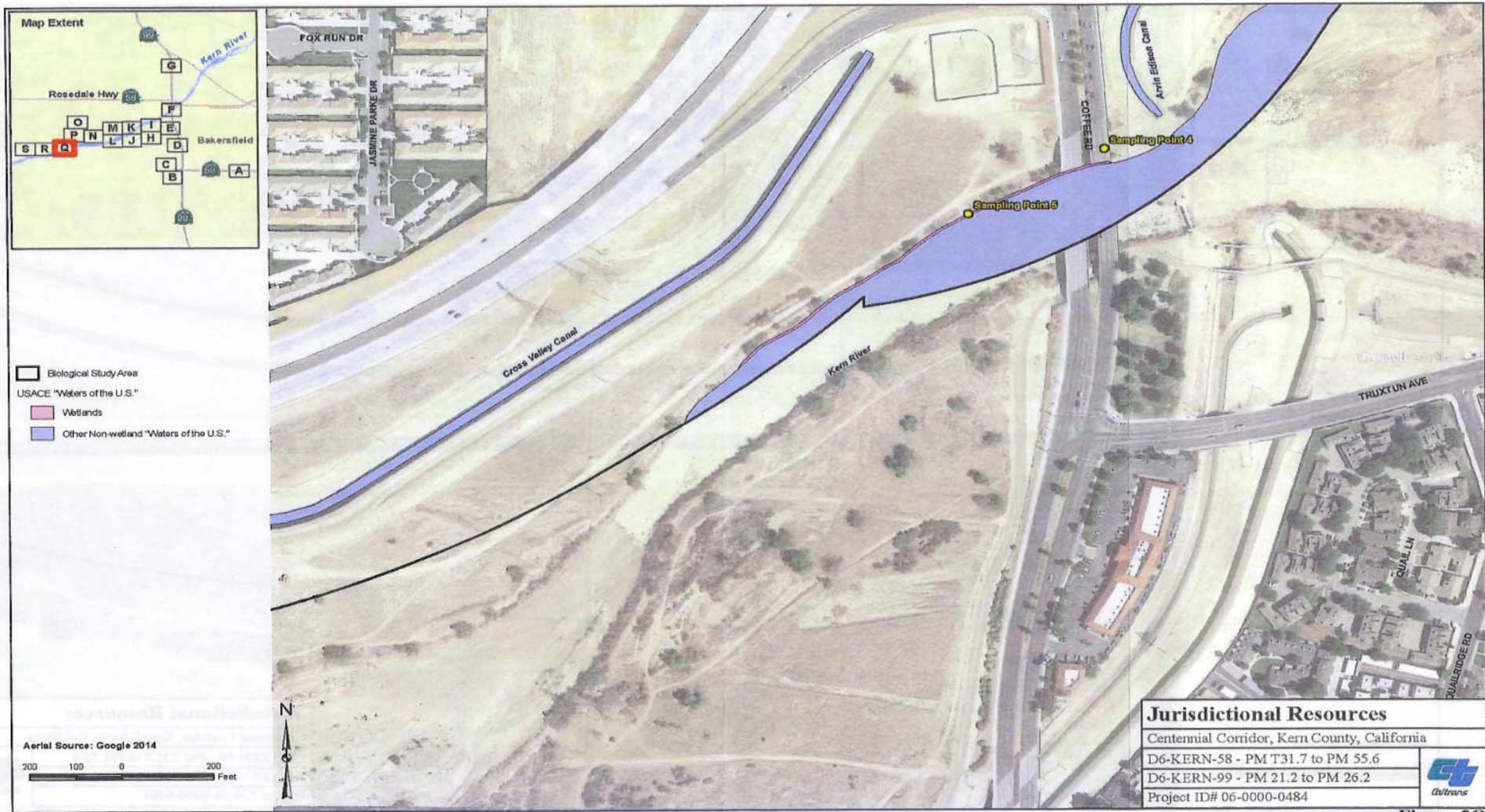


Figure 2Q







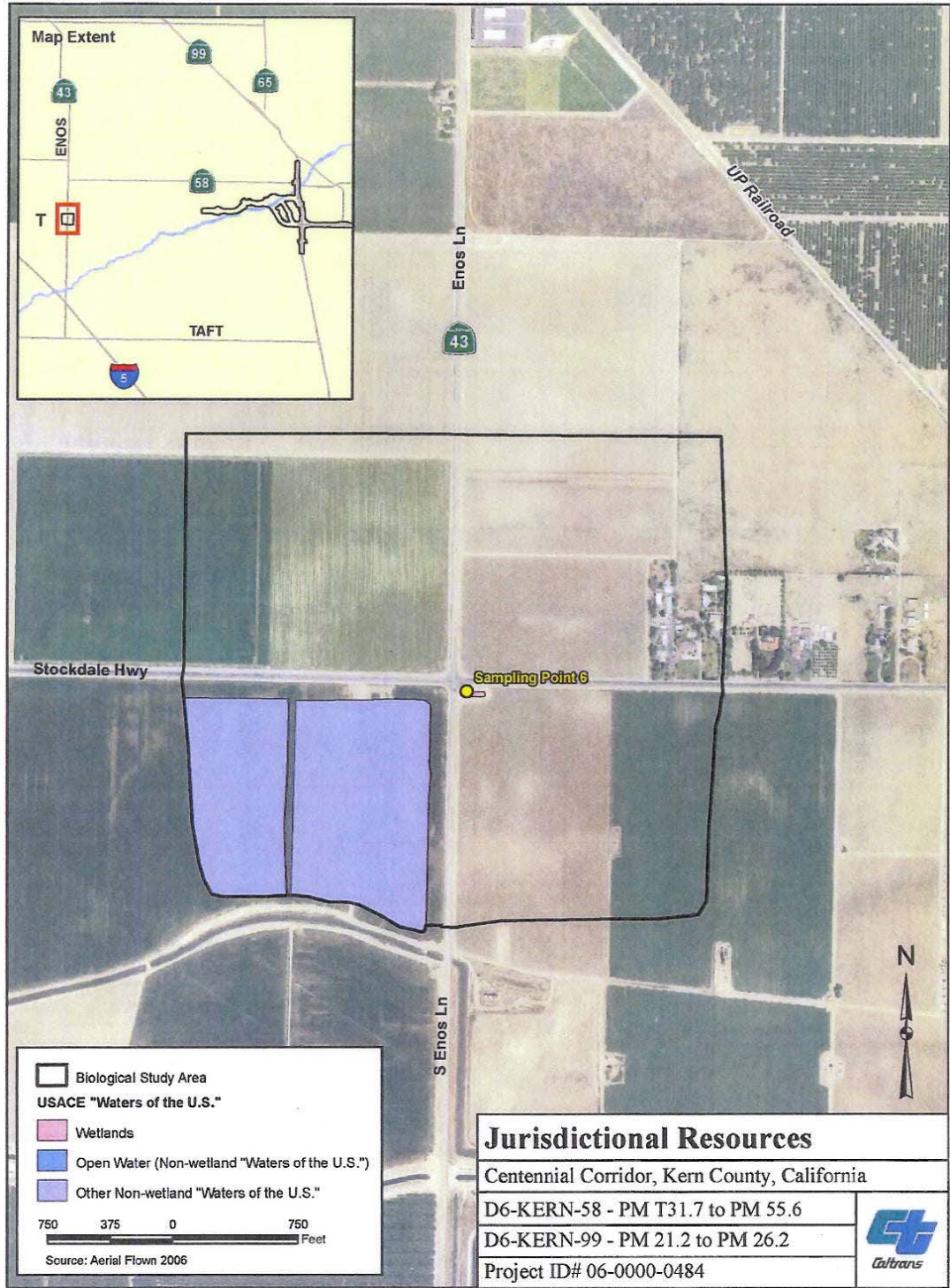


Figure 2T

